

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9900 of 2018**

Digamber Nishad, S/o Goverdhan Nishad, aged about 48 years, R/o Village Kachlon,
P.S. And Tahsil Simga, District Balodabazar Bhatapara (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Simga, District Baloda Bazar Bhatapara
(CG). **---- Non-applicant**

For Applicant	: Mr. Atanu Ghosh, Advocate
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.221//2007 registered in Police Station Simga, District Baloda Bazar Bhatapara for the offence punishable under Section 409 of Indian Penal Code.
3. Case of the prosecution, in brief, is that the applicant was a controller of consumer outlet of village Kachlon and Simga operated by District Co-operative Central Bank, Simga. During the period from 01.04.2005 till 31.03.2006, the applicant had misappropriated the government fund of Rs.1052633.43 from the said shops. He had already paid some amounts and, now the remaining embezzled amount is Rs.8039934.43.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. He submits that the Manager of the District Co-operative Central Bank, Simga is a responsible for alleged misappropriation of government fund and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He submits that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the above mentioned facts and circumstances of the case, looking to the seriousness of the offence; and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
7. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE