

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6170 of 2020

1. Vedsharan S/o Buddhu Singh Dhruve Aged About 38 Years Occupation Officer, Address- Bhartiya State Bank R. A. C. C. Khairagarh, Police Station And Tahsil Khairagarh, District Rajnandgaon (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through- The Station House Officer, Police Station Bemetara, District- Bemetara (C.G.).

---- Respondent

For Applicant	: Shri Vivek Singhal, Advocate.
For Respondent/State	: Miss Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02/12/2020

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 21/08/2020 in connection with offence under Sections 409 & 420 of IPC at Police Station Bemetara, District- Bemetara (C.G.) under Crime No. 442/2020.
- 2) Allegation against the applicant is that while working as Assistant Manager in State Bank of India he committed embezzlement of Rs. 9,55,561.18/- from the period 25/06/2019 to 10/07/2020 by playing fraud with the account holders and the Bank. On report being lodged by the Branch Manager, Bemetara at Police Station City Kotwali, Bemetara on 20/08/2020, the aforesaid offence has been registered against the applicant.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the alleged amount has already been deposited by the applicant with the concerned Bank which is evident from the

FIR itself. The offence is triable by Judicial Magistrate First Class, the applicant is in jail since 21/08/2020 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) From perusal of the FIR it is seen that the amount embezzled by the applicant has already been deposited by him with the concerned Bank prior to lodging of FIR.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that the embezzled amount was already deposited by the applicant prior to lodging of FIR with the concerned Bank. Charge sheet has already been filed, the offence is triable by Judicial Magistrate First Class, the applicant is in jail since 21/08/2020 and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 50,000/-** with one surety for the like amount to the satisfaction of the concerned Trial Court, he shall be released on bail. He is directed to appear before the Trial Court on each and every date given to him by the said Court, till disposal of the trial.
- 7) It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stands cancelled without further reference to the Bench.

-Sd/-
(Gautam Chourdiya)
Judge