

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6373 of 2020

Satyanarayan Ram Chauhan S/o Nandlal Ram Chauhan Aged About 40 Years
R/o Block Colony, Manora, Tahsil Manora, District Jashpur Chhattisgarh.,
District : Jashpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station
Jashpur, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Manoj Chauhan, Advocate
For State	:	Shri Dinesh Tiwari, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/10/2020

Heard.

1. The applicant is arrested in connection with Crime No.71/2020 registered in Police Station - Jashpur, District -Jashpur (CG) for alleged commission of offence under Section 409 IPC.
2. Case of the prosecution, in brief, is that the applicant and another co-accused misappropriated public fund which was meant to be distributed to TB patient and it is alleged that a total amount of Rs.42,500/- has been misappropriated by the present applicant and co-accused.
3. Learned counsel for the applicant would submit that the transfer of fund to be distributed to TB patient was inadvertently transferred to the account of some other persons, but later on, the entire amount has been refunded and documentary evidence to this effect has been placed on record. It is submitted that the applicant is in jail since 24.8.2020, investigation is complete and charge sheet has also been filed. He further submits that co-

accused Rustom Ansari has been granted anticipatory bail by this Court vide order dated 10.8.2020 passed in MCRCA No.522 of 2020, copy of which has also been placed on record.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that the applicant is involved in the alleged incident because the applicant and other co-accused diverted the huge public fund for distribution to TB patient, to the account of third person, therefore, prima facie case is made out.
5. Taking into consideration the submissions made by learned counsel for the parties, considering the nature of allegation and further taking into consideration that the applicant is in jail since 24.8.2020 and that the amount involved is stated to be refunded and that co-accused Rustom Ansari has been granted bail, I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge