

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6581 of 2020**

- Kuleshwer Sahu S/o Shri Mukund Ram Sahu, Aged About 30 Years R/o Ward No. 4, Shiv Mandir Road, Ganga Nagar, Bhanpuri, Raipur District (Revenue And Civil) Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Khamtrai, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Yogesh Pandey, Advocate
For Respondent/State	:	Shri Lalit Jangde, GA

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****29/10/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.364/2020 registered at Police Station Khamtarai, District Raipur for the offence punishable under Section 182, 211, 407, 392 of the IPC. The applicant was arrested on 08-08-2020.

2. Prosecution case is that the present applicant in order to misappropriate an amount of Rs.4,60,000/-, which he had collected on behalf of his employer, he concocted false story of loot with the help of co-accused and in this manner, huge amount was misappropriated.

3. Learned counsel for the applicant would argue that the applicant has not committed any offence and he has been falsely implicated. He also submits that no prima facie case of commission of offence under Section 392 of the IPC is made out against the applicant on the face of the prosecution story. He would next submit that the offence under Section 407 of the IPC is compoundable and triable by the Judicial Magistrate First Class, therefore, at this stage, when investigation is complete, charge sheet has been filed and the applicant is in jail

since 08-08-2020 and the fact that the entire amount of Rs.4,60,000/- has already been recovered, the applicant may be granted bail.

4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that on the memorandum of the applicant, misappropriated amount of Rs.4,60,000/- was recovered from the co-accused, which makes out a prima facie case against the applicant.

5. Taking into consideration the submission of learned counsel for the parties, nature of allegation and further taking into consideration that offence under Section 407 of the IPC is compoundable and triable by the Judicial Magistrate First Class and further considering that in this case, investigation is complete, charge sheet has been filed and the applicant is in jail since 08-08-2020 and the fact that the entire amount of Rs.4,60,000/- has already been recovered, the present appears to be a fit case for grant of bail.

6. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the concerned trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge