

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7004 of 2020

Ramkishor Dhurw, S/o Gendlal Dhruw, Aged About 47 Years, R/o Village- Gujra, Tahsil & Police Station - Dhamtari, District - Dhamtari (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through Officer-in-Charge, Police Station- Bhakhara, District- Dhamtari (C.G.)

--- Respondent

For Applicant : Mr. Sanjeev Kumar Sahu, Advocate.

For State/ Respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19/10/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 89/2020, registered at Police Station- Bhakhara, District- Dhamtari (C.G.) for the offence punishable under Section 409, 420, 467, 468, 471, 34 of IPC.
2. Learned counsel for the applicant submits that the applicant is in jail since 25.09.2020 and has been falsely implicated in this case. No case is made out against the applicant. The applicant is employed as peon in the office of Zila Sahkari Bank Korra. The responsibility of making defalcation in the account and embezzlement of the account, is mainly upon the main accused persons. Hence, it is prayed that this applicant may be enlarged

on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that an enquiry has been initiated by a special constituted committee and according to the report given, role of this applicant is very clearly mentioned that he has manipulated the records and also erased entries in the accounts, because of which, loss and embezzlement has been occurred. Therefore, this applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that between the period starting from 01.07.2007 up till 27.07.2012, the accused persons namely Manager- Kumar Dutt, Cashier- Rajkumar Sahu, Peon- Ram Kishore Dhruw & Jhaduram Sahu, manipulated in the accounts of the bank and have made embezzlement of total amount of Rs. 83,24,543/- regarding which, the case has been registered.
6. Considered on the submissions and the facts present in this case. After considering, I am of this view that the applicant in the capacity of peon of that establishment, is not the person entrusted with the amount which has been embezzled. The other role imputed in the enquiry report, may be subject to scrutiny and that can be done in the trial, therefore, for the present, it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
7. Accordingly, the bail application filed under Section 439 of the

Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun