

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8484 of 2020

- Dilip Kumar Sahu S/o Dayaram Sahu Aged About 40 Years R/o Ward No. 05 Nagar Panchayat Bhakhara, Police Station Bhakhara, District Dhamtari Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer , Police Of Police Station Bhakhara, District Dhamtari Chhattisgarh. **---- Respondent**

For Applicant	: Shri H.A.P.S. Bhatiya, Advocate on behalf of Shri Anil Gulati, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09/12/2020

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 05.10.2020 in connection with Crime No.103/2020 registered at Police Station- Bhakhara, District- Dhamtari (C.G.) for the offence punishable under Section 409, 420, 477 of I.P.C.
- 5) Prosecution story in brief is that a report was lodged by Jagat Bahadur Singh, who was posted as Chief Municipal Officer (CMO), Nagar Panchayat at Bhakhara, alleging in it that one of the employee of Nagar Panchayat called him and revealed him that some unknown person torn the receipt book, cash book and expenditure account of the Nagar Panchayat and subsequently it was found that the present applicant is responsible and it was admitted by the applicant is that a sum of Rs. 30,000/- has been misappropriated by him.

- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he has not committed any offence. He further submits that as per annexure-(A/2), the applicant has already been deposited Rs. 30,000/- in the account of Chief Municipal Officer, Nagar Panchayat Bhakhra and the applicant has no criminal antecedent and as the applicant has been arrested on 05.10.2020 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 7) On the other hand, learned counsel for the respondent/State opposes the bail application, however, the applicant has no criminal antecedent.
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and the fact that the applicant has no criminal antecedent as admitted by both the counsels and he has already been deposited entire amount to the account of Chief Municipal Officer, Nagar Panchayat Bhakhara and that conclusion of trial may take some time, the application is allowed. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- each 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.
- 9) 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 stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge