

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 488 of 2021

1. Prapti Roy Bhagat W/o Harshpal Bhagat Aged About 29 Years R/o Beside Jabbal Gali, Near Mangla Chowk, Bilaspur (Chhattisgarh)

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station, Civil Lines, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondent

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| For Applicant         | Mr. Goutam Khetrapal, Advocate |
| For Respondent /State | Mr. Alok Nigam, Govt. Advocate |

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Hon'ble Mr. Justice Prashant Kumar Mishra

Order on Board

18/3/2021

1. Heard.
2. The applicant has preferred this second bail application under Section 439 of the Cr.P.C. for grant of bail as she has been arrested in connection with Crime No.204/2020 registered at Police Station Civil Lines, District Bilaspur (CG), for the offence under Sections 420, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code.
3. The first bail application of the applicant for grant of interim bail was allowed by order dated 9-4-2020 passed in M.Cr.C.No.2205 of 2020.

4. Applicant has allegedly misappropriated a sum of Rs.1,09,70,179/- by collecting the energy bills from consumers, but not depositing the same with the Chhattisgarh State Power Distribution Company Limited (CSPDCL). The applicant is working as AG III in the CSPDCL posted at Nehru Nagar Zone, Bilaspur.
5. Learned counsel for the State, *per contra*, would oppose the bail application.
6. The alleged incident happened during the period between 12-1-2018 to 5-12-2019. In the FIR lodged by Anupam Sarkar, Assistant Engineer on 14-3-2020 it is alleged that by unauthorisedly using the ID of other employees the applicant generated total 209 lots of consumers covering 1128 consumers and thereafter, generated the bills in their name and collected the amount, but did not deposit the same with the CSPDCL. Thus, the allegation primarily is of using the ID allotted to other employees. Barring one case where the applicant has used her own ID, in other cases the IDs of other employees have been used. There does not appear credible electronic evidence showing that IDs of other employees were used by the present applicant. There are statements of consumers who claimed to have paid the amount for energy bill to the applicant, which has not been deposited in the account of the CSPDCL, but they also say that the applicant did not provide them the bills.
7. Considering the entire facts situation of the case, further considering the fact that the applicant was earlier allowed interim bail by order dated 9-4-2020 passed in MCRC

No.2205 of 2020 and at that time she was in jail from 15-3-2020 to 9-4-2020 and presently she is in detention since 20-1-2021; and for the fact that the offences are triable by the JMFC; also considering the fact that the applicant is a married lady, aged about 29 years; and the charge sheet has already been filed, I am of the opinion that present is a fit case to release the applicant on regular bail.

8. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on her executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given by the said Court.
9. Certified copy as per rules.

Sd/-  
(Prashant Kumar Mishra)  
Judge

Gowri