

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7586 of 2020**

Pawan Sharma S/o Late Shri Siddhram Sharma, Aged About 50 Years R/o New Krishna Nagar, Minimata, Chowk, Behind Nirmal Cycle Stores, Supela, Bhilai, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through, Station House Officer, Police Station - Devendra Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

**---- Respondent**

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| For Applicant | : | Shri Awadh Tripathi, Advocate    |
| For State     | : | Ms. Samiksha Gupta, Panel Lawyer |

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

**Order On Board**

**29/01/2021**

Heard.

1. The applicant is arrested in connection with Crime No.72/2020 registered in Police Station- Devendra Nagar, Raipur, District- Raipur (CG) for alleged commission of offence under Section 408 IPC.
2. Case of the prosecution, in brief, is that the applicant, who is employed with the complainant, kept on collecting bill amount from various customers from time to time, but that amount was not deposited with the complainant and in this manner, the applicant misappropriated about Rs.28 lakh.
3. Learned counsel for the applicant would submit that the allegations against the applicant are false and fabricated. He has not committed the offence alleged. Learned counsel for the applicant submits that the allegation of

applicant having collected Rs.28 lakh is not made out from charge sheet because in the charge sheet, statements of ten customers have been recorded and the total amount alleged to have been collected from those customers is only Rs.8,17,485/-. Learned counsel submits that the prosecution has come out with the case of collection of Rs.28 lakh on the basis of a confessional statement made by the applicant before the police whereas such statement is not supported from statement of any customer that he gave money which was not paid by the applicant. Learned counsel further submits that investigation is complete and charge sheet has been filed and the applicant is in jail since 17.9.2020, therefore, at this stage, he may be granted bail as he is not likely to abscond or tamper with the prosecution witnesses.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that the note which was prepared and submitted by the applicant before the police, he admitted that he had collected total Rs.28/- lakh from different customers which is supported from various bills filed along with the charge sheet.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that as against the allegation of collection of Rs.28/- lakh, the prosecution witnesses/customers whose case diary statements have been recorded regarding collection of amount from them by the applicant, taken in totality, is Rs.8,17,485/- only, I am inclined to grant bail to the applicant considering that the applicant is in jail since 17.9.2020, investigation is complete, charge sheet has been filed and there is no material to show that he is likely to abscond or tamper with the prosecution witnesses.
6. The application is accordingly allowed and 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 two local sureties 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

Praveen