
(2006) 04 AHC CK 0210

In the Allahabad High Court

Case No : Criminal Miscellaneous Bail Application No's. 1618, 1619 and 3571 of 2006

Girish Prasad Srivastava (In Jail)

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 04-04-2006

Acts Referred:

Penal Code, 1860 (IPC) — Section 406, 409

Citation : (2006) 04 AHC CK 0210

Hon'ble Judges : G.P. Srivastva, J

Bench : Single Bench

Advocate : V.P. Srivastava, for the Appellant; A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

G.P. Srivastva, J.—In these applications the common questions of the law and fact are involved. I propose to decide them together by a common order.

2. According to the prosecution case the applicant Mithai, Lal, Awadh Raj Singh, Girish Prasad Srivastva were posted as Godown Incharge of Rajya Bhandaran Nigam, Naini, Allahabad. On a physical verification it was revealed that they have misappropriated the food grains stored in respective godowns worth 1,10,000;00/-. It was argued by learned Counsel for the applicants that the shortage, if any, was due to storage loss and there is a provision of write off the said storage loss. In this connection he has placed reliance on the statement of Devendra Nath Tripathi who was Manager, Allahabad Region. He has stated that the physical verifications of godowns are done by counting of bags and not by weighment. He has further stated that there is a provision of write off at different level upto 14 %. He has further stated that the storage loss is noticed from different centers. He has further stated that on the storage in the store of godown the First Information Report was lodged on his recommendation. He has further stated that the attempts are being made to write off the shortage. So from the statement of the witnesses of the prosecution it appears that there is a

provision of write off the shortages noticed. So it cannot be said at this stage that the entire shortage is result of misappropriation by the applicants.

3. In my opinion, the applicants deserve to bail.

4. Let the applicant Girish Prasad Srivastva, Awadh Raj Singh and Mithai Lal be enlarged on bail on their furnishing personal bond with two sureties each of them in the like amount to the satisfaction of the Chief Judicial- Magistrate/court concerned in Case Crime. 245 of 2003 u/s 406, 409 I.P.C. PS. Industrial Area, Naini, District Allahabad.