

(2014) 09 CHH CK 0038
In the Chhattisgarh High Court
Case No : M.Cr.C. No. 4447 of 2014

Pramod Dubey

APPELLANT

Vs

State of C.G.

RESPONDENT

Date of Decision : 16-09-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439 — Penal Code, 1860 (IPC) -
Section 120(b), 34, 409, 420, 467

Citation : (2014) 4 CGLJ 621

Hon'ble Judges : Goutam Bhaduri, J.

Bench : Single Bench

Advocate : Ashok Verma, Advocate, for the Appellant; Neeraj Pradhan, P.L., for the Respondent

Final Decision : Allowed

Judgement

Goutam Bhaduri, J. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 25/03/2014.

2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 303/2013 registered in Police Station House Sahaspur Lohara District Kabirdham (C.G.) for offence punishable under Section 120(b), 420, 409, 467, 468, 471, 34 of Indian Penal Code.

3. Learned counsel for the applicant submits that after rejection of the first bail the charges were framed on 26/04/2014 and again charge under Section 409 IPC was not framed. He relied on the order sheet of the trial court of 11/07/2014 and stated that in Criminal Case No. 2672/2014 Satyanarayan Dubey Vs. State it was directed that case should be fixed three times in a month for evidence and be completed within a period of six months. However, thereafter the case has not been fixed as was directed. He further submits that perusal of the order sheet dated 22/08/2014 would reflect that one of the witness one Gokul Prasad was present while being examined audit report containing 302 pages along with CD the loan document of 83 beneficiaries all in original were said to be not filed

which was brought by the prosecution. The said documents are required to be proved as an article and in absence of those documents the case was adjourned. Further more he submits that other pass book, bulky papers and other documents were also not placed and it was on the submission of the prosecution the witness present were discharged. He further submits that same provision continued after case was fixed on 1/09/2014 and the documents were not placed and therefore proceeding could not proceed and therefore he stated that after rejection of the bail application circumstances are changed and the charges under Section 409 IPC has not been framed and further the audit report which are in the documentary nature containing of 302 pages along with loan documents of 83 beneficiaries were also and the prosecution sought time to present the same naturally it will take considerable period, therefore he prays for release of the applicant on bail.

4. Per contra, learned State counsel opposes the bail.

5. I have gone through the order sheet of the court below. It reflects that at the time all the witness were present certain documents were sought to be placed in record which are audit report of 302 pages along with other original documents of 83 beneficiaries. The nature of the evidence which is stated by the prosecution appears to be bulky documentary evidence. Perusal of the order sheet reflects that case hinges on evidence of documentary nature wherein audit has already been conducted. Applicant is in jail since 19/01/2014. Considering the fact that case may take considerable time as it contain voluminous documentary evidence and considering the nature of charges framed, I am inclined to release the applicant on bail. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs. 25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial court on each and every date given by the said Court. Certified copy as per rules.