



Majra Multipurpose Agriculture Society. While working on the post of Secretary, he was controller of fertilizers, medicines, seeds and distribution of loan between the Society members. However, he had embezzled Rs.72.09 lacs as per the audit report for the years 2019-2020 and 2020-2021.

3. Learned counsel for the petitioner contends that even though, the petitioner was working as a Secretary of the Society, but the control of fertilizers, pesticides, seeds etc. was under the control of all the Committee members as well as the President of the Society. He further contends that after registration of the FIR, he had appeared before the police authorities and explained his stance by producing the documents. Learned counsel further contends that even the society has also attached the property measuring 02 bigha 15 Biswa of the mother of the petitioner in the present case. Moreover, as per the Special Audit Reports, an amount of Rs.33 lacs has already been recovered from the members and an amount of Rs.5.87 lacs has been adjusted from the salary of the petitioner, out of the total alleged embezzled amount of Rs.72.09 lacs. He further contends that the petitioner was arrested in the present case on 22.04.2024 and challan has already been presented against him. He further contends that only 04 witnesses, out of total 34 witnesses, have been examined so far and the offence is triable by the Court of Magistrate. Thus, further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in one more case of similar nature and is a habitual offender. Even in all, the

petitioner had embezzled an amount of more than Rs.1.5 crore and does not deserve any leniency.

5. I have heard the learned counsel for the parties and perused the record.

6. Undoubtedly, the petitioner is facing a serious charges, but he is in custody for the last more than 11 months. The offence is triable by the Court of Magistrate and only 04 witnesses, out of total 34 witnesses, have been examined so far. Thus, the trial Court may take considerable time in concluding the trial in the present case.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the

pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

8. The above observations have been made only for the limited purpose of disposal of the bail and shall not be construed as an expression of opinion on the merits of the case.

**08.04.2025**  
hemlata

**(N.S.SHEKHAWAT)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No