

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5253 OF 2015**

1. Pawan Kumar Sahu S/o Parmanand Sahu aged about 35 years Caste Sahu R/o Madhuwa Akaltara Civil/Revenue District Janjgir-Champa (CG)
2. Basant Kumar S/o Neelkanth Jaiswal aged about 36 years Caste Kalar, R/o village Chhuri Tehsil Katghora Civil/Revenue District Korba
3. Krishna Kumar Kewat S/o Heeralal Kewat aged about 32 years R/o village Deepka P.S. Deepka Civil/Revenue District Korba

---Applicants**Versus**

State of C.G. Through P.S. Deepka District Korba (CG)

---Non-applicant

For Applicants	:	Mr. G.S. Ahluwalia, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****05/10/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.63/2011, registered at Police Station Deepka District Korba, for the offence punishable under Section 408/34 of I.P.C.
2. Case of the prosecution, in brief, is that, applicants along with other co-accused Shobharam Kurre misappropriated Rs.11,79,300/- while working as Guard in the CMS (*Cikisius*) Limited Company.
3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the case.

He would further submit that Shobharam Kurre stands convicted for the offence punishable under Section 408 of the I.P.C. by order dated 19/09/2014, in which, applicants were witnesses. He would lastly submit that supplementary charge sheet has been filed against the present applicants and they are in jail since 31/08/2015, therefore, they may be released on bail. Learned counsel for the applicants place reliance in the matter of **The State of Maharashtra v. Mohan Radhkrishna Pednekar¹**.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that applicants No. 1 & 2 being Guard replenished Rs.10,00,000/- in the Axis Bank ATM and forwarded confidential password to applicant No. 3 and co-accused Shobharam Kurre withdrawn the money. He would further submit that present applicants were absconded and by standing warrant of arrest, they have been arrested on 31/08/2015.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants in offence in question; Shobharam Kurre has already been convicted; they have been absconded and arrested by standing warrant of arrest, this Court is not inclined to release the applicants on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari

¹ 1998 Cr.L.J. 3771