

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 528 OF 2016**

Kishan Lal Chaurasiya, S/o Late Babu Lal Chaurasiya,
Aged about 58 years, R/o Opp. Calcutta Sweets, Shankar
Ward, Bhatapara, P.S. Bhatapara, Civil & Revenue District
Baloda Bazar-Bhatapara (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Police Station Devendra
Nagar, Raipur, Civil & Revenue District Raipur (C.G.)

---Non-applicant

For Applicant	:	Mr. Adil Minhaj, Advocate
For Non-applicant	:	Mr. Dheeraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/02/2016**

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 applicant who has been arrested in connection with Crime No. 31/2013, registered at Police Station Devendra Nagar, Raipur, Civil & Revenue District

Raipur (C.G.), for the offence punishable under Sections 409, 420 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, applicant while posted as Manager at the Central Warehouse No. 2, Raipur of the Central Warehousing Corporation has committed criminal breach of trust and caused undue benefit to M/s. Hornbill Security Agency which was entrusted with the work of providing security guards at the Warehouse and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in crime in question. He would further submit that no direct payment has been made by the applicant as payment was made by Regional Office to the M/s. Hornbill Security Agency. He would further submit that offences are triable by Magistrate. He would further submit that applicant has unnecessarily been implicated in the case in which he is in jail since 06/12/2015. He would lastly submit that charge sheet has been filed, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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 applicant, payment was made by Regional Office to the M/s Hornbill Security Agency directly; pretrial detention of the applicant and charge sheet has already been filed, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

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

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Tiwari

Sd/-
(Sanjay K. Agrawal)
JUDGE