

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4138 of 2017

1. Smt. Sharda Borikar & Anr. W/o Arun Rao Borikar Aged About 55 Years R/o Om Nagar, Urla, Police Station- Pulgaon, District- Durg, Chhattisgarh.
2. Ashish Borikar S/o Arun Rao Borikar Aged About 30 Years R/o Om Nagar, Urla, Police Station- Pulgaon, District- Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The District Magistrate, Police Station-Pulgaon, District- Durg, Chhattisgarh.

---- Respondent

For Applicants	:	Shri Tarun Dansena, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/11/2017

Heard.

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.244/2016, registered at Police Station – Pulgaon, District – Durg (C.G.) for the offence punishable under Sections 408, 420, 467, 468, 471 & 120-B IPC.
2. Case of the prosecution, in brief, is that a report was made by P.B. Deshmukh, Director of Shankaracharya Technical Campus, Bhilai that one Sagar Borker who was working as an Accountant and Data Entry Operator had withdrawn an amount of Rs.95,82,275/- at different points of time and it is alleged that some of the amount i.e. Rs.59,400/- was deposited in the account of applicant No.1 and Rs.1,23,183/- was deposited in the account of applicant No.2.
3. Learned counsel for the applicants submits that the applicants have been

falsely implicated in this case and they have not committed any crime. It is further submitted that similarly placed co-accused in this case has been enlarged on bail by this Court vide order dated 28.09.2016, in M.Cr.C.No.5898/2016, therefore, the counsel prays that the applicant may also be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that similarly placed co-accused in this case has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation and further taking into the fact that similarly placed co-accused in this case has been enlarged on bail by this Court vide order dated 28.09.2016, in M.Cr.C.No. 5898/2016, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on each of them 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 their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge