

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.3170 of 2017**

Anish Ali S/o Shri Murtuja Ali Aged About 23 Years (Wrongly Mentioned As Murtaja Ali In The Impugned Order Dt. 20/04/2017) R/o Shop No. 42, Sector-09 Goal Market (Wrongly Mentionedd As Sector 09 Market), Bhilai, Police Station- Sector- 06 Kotwali, Bhilai Nagar, Tahsil & District- Durg, Chhattisgarh.

---- Applicant**Versus**

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

---- Non-Applicant

For Applicant:

Shri Rishi Rahul Soni, Advocate.

For State/Non-Applicant:

Shri Anupam Dubey, Dy. Govt Advocate.

Single Bench: Hon'ble Shri Prashant Kumar Mishra, J
Order On Board

24.5.2017

1. This is the first bail application under Section 439 Cr.P.C for grant of regular bail as the Applicant is arrested in connection with Crime No.244/2016 registered at Police Station – Pulgaon, Civil & Revenue District Durg (CG) for the offence punishable under Sections 420, 408, 467, 468, 471, 381 and 120B/34 IPC.
2. The injured persons have allegedly siphoned the funds amounting to Rs.95,82,275/- from Shankaracharya Technical Campus. The main allegations are against the co-accused Sagar Arun Rao Borikar, who was working as Data Entry Operator therein. It was he who deposited different amounts in the bank accounts of other accused persons including the present Applicant.
3. Learned Counsel for the Applicant submits that Sagar Arun Rao Borikar has already been released on regular bail by this Court vide order dated

24.10.2016. Some other accused persons namely Ku. Pushpajali Thakur, Rameshwar Deshmukh, Harpreet Singh, Santosh Kumar Shrivastava, Lekh Ram Sinha, Devkumar Dewangan, Khemraj Dewangan, Jageshwar Dewangan, Hemant Chauhan and Om Prakash Soni have also been released on bail by this Court. He submits further that there are no previous criminal antecedents of similar offence and that the co-accused have already been released on bail by this Court and therefore, the present is also liable to be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the prayer for bail.

5. Having considered the facts and circumstances of the case, the nature of allegations, the fact that the Applicant is in jail since 18.04.2017, that the offence is triable by the Judicial Magistrate, First Class, that there are no previous criminal antecedents against him and that the co-accused have already been released on bail by this Court, I am inclined to release the Applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C is allowed and it is directed that the Applicant shall be released on bail on his 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. He shall also appear before the trial Court as and when directed. It is made clear that if the Applicant involves himself in the offence of similar nature in future, this order granting bail to the Applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Prashant Kumar Mishra)
Vacation Judge