

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4842 of 2017

1. Devilal Prasad Gupta, Aged About 25 Years, S/o Balram Prasad Gupta R/o Village Amtahi, Balrampur, District-Balrampur-Ramanujganj, Chhattisgarh.
2. Sakti Bunkar S/o Jhankuram Bunkar Aged About 30 Years R/o Village West Karkali, Police Station Kusmi, Balrampur, District Balrampur Ramanujganj Chhattisgarh. --- **Applicants**

Versus

State of Chhattisgarh through Police Station Kusmi, District Balrampur Ramanujganj Chhattisgarh. --- **Respondent**

For the applicants	:	Mr. Pawan Shrivastava, Advocate
For the respondent	:	Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.11.2017

1. This is first bail application filed u/s 439 of the Code of Criminal Procedure for grant of bail to the applicants in connection with Crime No. 41/2016 registered at Police Station Kusmi, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under sections 420, 467, 468, 471 read with section 34 of I.P.C.
2. As per the prosecution, one Sanjeev Kumar Gupta has made a complaint that he is running Mahamaya Tractors wherein the present applicants were working as Branch Manager and Assistant Branch Manager and it is alleged that both the applicants on the basis of forged receipts though sold three tractors and trolleys to different persons but the entire amounts were not deposited, thereby the offence has been committed.

3. Learned counsel for the applicant submits that there is a dispute about the salary between the complainant and the applicants being employer and employees and it is not the case that the amounts have not been deposited but the actual dispute is about the supply of the trolleys which was alleged to have been supplied to other agency though the money was taken by the present applicants. He further submits that the charge-sheet has been filed and no further investigation is necessary and the applicants are in jail since 09.06.2017 therefore, they may be released on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of complainant as also the documents. Considering the fact that the charge-sheet has been filed, offences are triable by the JMFC and the applicants are in jail since 09.06.2017, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them furnishing a personal bond in sum of rs.25,000/- with one surety each in the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when required.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**