

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.4889 of 2017**

- Motilal S/o Parsadi Gond, Aged About 30 Years R/o Village Chhindaula, Police Station Khallari, Tahsil & District Mahasamund Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh, through Station House Officer, Police Station Mahasamund, District Mahasamund

---- Respondent

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| For Applicant        | : Shri Vikash Pradhan, Advocate  |
| For Respondent/State | : Shri Wasim Miyan, Panel Lawyer |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****23.8.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.323/2017 registered in Police Station Mahasamund Distt. Mahasamund (CG) for the offence punishable under Section 408 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 01.7.2017, charge sheet is not yet filed and the applicant has been remanded by Chief Judicial Magistrate, Mahasamund. It is submitted on behalf of the applicant that he is aged about 30 years, he was the driver of the complainant and as the servant of the complainant he committed criminal breach of

trust by misappropriating Rs.2,13,500/- and kept the said amount with one Girija Shankar @ Chottu and thereafter wrongly informed the employer that at about 9.30 pm when he was returning from Rajim, 3-4 unknown persons stopped his vehicle and broken the glass of the vehicle and looted the said amount. The amount so misappropriated was ultimately recovered, with this the amount in question has been seized, the applicant is the first offender, on account of some dispute between the employer and the applicant he was falsely implicated, he will not commit any offence in future, the matter is triable by Judicial Magistrate First Class, the applicant never involved in any other crime and will not commit any offence in future, hence he may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant on the basis of the fact that the applicant kept the money with Girija Shankar @ Chottu and wrongly intimated regarding theft story of loot to the employer.

5. Perused the entire material.

6. The applicant is in custody for one month and twenty three days, charge sheet is not yet filed, the matter is triable by JMFC, the trial may take some time for its conclusion, he is the first offender, as the entire money which was entrusted with the applicant was seized from one Girija Shankar, after consideration of the entire facts, I am inclined to grant one opportunity to the

applicant so that he will not commit any offence in future and shall remain peacefully in the society.

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

9. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

10. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-  
(Chandra Bhushan Bajpai)  
JUDGE