

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7267 of 2017

- Pankaj Kela S/o Shri Ramayan Prasad Kela, Aged About 40 Years R/o Village Nawagaon, Police Station Katghora, Civil And Revenue District Korba Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Korba, District Korba Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate.

For Respondent : Mr.Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

15/12/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.613/2014, registered at Police Station-Kotwali, Outpost-CSEB, Korba, District– Korba (C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against the applicant, on the basis of the document of the prosecution case. Applicant is in jail since 20.4.2015, thus, having suffered more than 2 ½ years in jail and the trial has still not concluded against him and more time is required for conclusion of trial. Hence, for these

reasons, it is prayed that applicant be enlarged for grant of regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. The case against the applicant is this, that he is a Contractor had some work assigned from CSPDCL. Without completing the work, applicant forged document of estimate about completion of the work of assigned to him and withdrew Rs.4,78,026/- from CSPDCL. On complaint made by CSPDCL, offence has been registered against the applicant.
6. Considering the submissions made, contents of the case diary and the fact that applicant is in jail more than 2 ½ years and the trial is still under way without any indication of concluding in the near future. The applicant is a local resident, whose availability before the Court below can be assured by imposing conditions, I am of the opinion that present is a fit case where applicant should be benefited with grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge