

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5049 of 2017

Mukesh Yadav, S/o. Shri Shatrughan Prasad Yadav, Aged About 26 Years,
R/o. Shiv Mandir Gali, Sitamani Korba, Police Station : Korba, Tahsil &
District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- City
Kotwali, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushpendra Singh Baghel, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30.08.2017

1. This is the third 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.309/2015 registered at Police Station- City Kotwali Korba, District Korba (C.G.) for the offence punishable under Section 419, 420, 467, 468, 471, 120B, 201 of Indian Penal Code. The first bail application was dismissed as withdrawn on 17.08.2016 with a direction to the trial Court to expedite the trial and second bail application was dismissed for want of prosecution on 19.07.2017.
2. As per the prosecution case, the applicant, who was working in the Court, sent a requisition by false signature of the Chief Judicial Magistrate, Korba to Police Station Deepika for the money which was seized in different cases and an amount of Rs.3,43,869/- in between the period from 1998-2005 was usurped though the amount was not deposited in the Treasury. Subsequently, when the matter was enquired, it was revealed that the applicant along with

other co-accused prepared the false documents and on the basis of that the amount was withdrawn.

3. Learned counsel for the applicant would submit that the applicant is in jail since 05.08.2015 and first bail application was withdrawn on 17.08.2016 with a direction to expedite the trial and thereafter the second bail application was dismissed for want of prosecution on 19.07.2017 and till date only 9 witnesses have been examined out of the enlisted 57 witnesses; therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Learned State counsel was directed to enquire as to how many witnesses have been examined, it is submitted that 9 witnesses till date have been examined out of the enlisted witnesses and further date is fixed for 18.08.2017.
6. Perused the case diary and the documents. Considering the nature of evidence and the fact that only 9 witnesses have been examined out of 57 witnesses and further taking into pretrial detention of the applicant as he is in jail since 05.08.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on 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/-
(Goutam Bhaduri)
Judge