

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8090 of 2017**

Pankaj Kumar Kela, S/o. Ramnarayan Kela, Aged About 39 Years, R/o. Village Nawagaon, Katghora, District- Korba, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station Jashpur, District -Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mrs. Renu Kochar, Advocate

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**19/02/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.269/2014, registered at Police Station – Jashpur, District – Jashpur (C.G.) for the offence punishable under Section 420, 467, 468, 471/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in custody since 30.04.2015. Out of 26 witnesses in the list of the prosecution case, so far only one witness has been examined.

Applicant is ready to abide by all the conditions imposed for grant of bail, applicant is a local resident of District – Korba, therefore, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that applicant and other co-accused persons are alleged to have defalcated and misappropriated Rs.1,49,79,513/-, hence looking to the huge amount that has been defalcated and misappropriated by the applicant, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The prosecution case in brief is that a written complaint was lodged by the Executive Engineer, Chhattisgarh State Power Distribution Company Limited, Jashpur stating in it that applicant and others working as contractor fraudulently obtained ID-password of the Electricity Department and used the same for raising forged bills and on that basis have withdrawn Rs.50,68,566/- on that basis, FIR was lodged. After investigation, charge-sheet has been filed and trial is pending against this applicant.
6. Considered the submissions made and the contents of the case diary. As the period of detention of this applicant is going to complete 3 years in two months from today and that the trial against him is not made any progress so far. Further the applicant is local resident, whose available before the trial Court can be expected and hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram