

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 168 of 2018**

Nitin Kumar Pandey, S/o. Shiv Kumar Pandey, Aged About 26 Years, R/o. Village Ramnagar, Post Office -Madhosingh, Police Station- Antu, District Pratapgarh, Uttar Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, P. S. Supela, District Durg Chhattisgarh.

---- Respondent

For Applicant : Ms. Khusbu Verma, Advocate

For State/respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/03/2018**

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.361/2017, registered at Police Station – Supela, District – Durg (C.G.), for the offence punishable under Section 406, 409, 411/34 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 not a employee of I.-Lagistic Company Supela, his name has appeared only in the memorandum statement of the co-accused, apart from that there is no evidence against him. Applicant is in jail since 26.07.2017. It is further submitted that co-accused persons in this case namely Saurabh @ Manish Tiwari and Siddharth Shrivastava have been granted bail by the Coordinate Bench of this Court. Therefore, the

counsel prays that the applicant may be released on 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 no case is made out for grant of bail to this applicant. Apart from that this applicant is resident of Uttar Pradesh and his availability before the trial Court shall be hampered, if he is enlarged on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, one consignment of two bags was received by I. Lagistic Company Supela containing mobile hand set. Manager of said company defalcated the same and sold all the mobile sets and embezzled the amount received by him. Representative of the I. Lagistic Company, Raipur lodged FIR against – Dinesh Sahu, Manager of I.Lagistic Company at Supela. During the investigation, it was revealed on the memorandum statement of co-accused that the applicant is one of the person, who was involved in the commission of crime.
6. Considered on the submissions made and the contents of the case diary. Considering the material present in the case diary and further looking to the fact that charge-sheet in this case has been filed , applicant is in jail since 26.07.2017 and similarly placed co-accused persons in this case have been enlarged on bail by the Coordinate Bench of this Court, 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