

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1433 of 2018

- Pankaj Kumar Kela S/o Ramayan Kela, Aged About 40 Years, R/o- Nawagaon, Police Station- Katghora, Civil And Revenue District- Korba (C.G.) Present Address- R-6/9, Ramavalley, Near Chhattisgarh High Court, Chakarbhatha, Police Station-Chakarbhatha District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The District Magistrate, Mungeli, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Non-applicant

MCRC No. 2014 of 2018

- Pankaj Kela S/o Ramayan Prasad Kela, Aged About 42 Years, R/o- Katghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- Sakti, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

MCRC No. 2020 of 2018

- Pankaj Kela S/o Ramayan Prasad Kela, Aged About 42 Years, R/o Village Nawagaon, Post Katghora, Police Station Katghora, Tahsil Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate and Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-04-2018

1. As the applicant in all three applications is same, they are being decided by this common order.

2. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail applications before this Court filed by the applicant for grant of regular bail. MCRC No.1433/2018 has been filed as the applicant is arrested in connection with Crime No.474/2014, registered at P.S. City Kotwali, Mungeli, District Mungeli, for the offence under Section 420, 467, 468, 471 of the IPC. MCRC No.2014/2018 has been filed as the applicant is arrested in connection with Crime No.418/2014, registered at P.S. Sakti, District Janjgir-Champa, for the offence under Section 409, 419, 420, 467, 468, 471, 34 of the IPC and MCRC No.2020/2018 has been filed as the applicant is arrested in connection with Crime No.173/2014, registered at P.S. Patthalgaon, District Jashpur, for the offence under Section 420, 467, 468, 471, 34 of the IPC. Date of arrest in MCRC No.1433/2018 is 20-04-2015 and date of arrest in MCRC No.2014/2018 and MCRC No.2020/2018 is 30-04-2015.

3. It is submitted on behalf of the applicant in that the applicant has been falsely implicated in all these three cases. The applicant is in jail since 20-04-2015. The case is pending before the Court of JMFC and the trial against him is still not concluded. In similar two cases, this applicant has been granted bail by this Court. Hence, it is prayed that looking to the delay in conclusion of the trial against this applicant, this applicant may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that looking to the huge defalcation committed by this applicant, he is not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. In Crime No.474/2014, it is alleged that this applicant was instrumental in withdrawing Rs.19,91,695/- on the basis of forged bill vouchers while working in the capacity of contractor from CSPDCL. In Crime No.173/2014 he has similarly withdrawn Rs.21,06,000/- and in Crime No.418/2014 he has similarly withdrawn Rs.38,66,940/- and thus has caused loss to the CSPCL.

7. Only reason that heavily comes in favour of this applicant is that the trial against him is getting delayed and he is in jail for almost about three years. Hence, looking to the delay in trial against him, in view of this Court, the applicant is entitled for grant of bail.

8. Consequently, all these three applications filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicant shall be released on bail on his furnishing in each case a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge