

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3703 of 2018**

Vipin Kumar Daand S/o Anand Bharti Daand Aged About 32 Years Caste-Patel, R/o- Village 2-A/304, Silikon City, Nihampur Mundi Rau, Rangwas, Indore (M.P.), Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station Bamhanideeh, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri Punit Ruparel, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.07.2018**

Heard.

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.5 of 2018, registered at Police Station – Bamhanideeh, District Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 406, 408, 411/ 34, 420, 467, 468 and 471 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 27.1.2018 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed and the trial has made no progress. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant is

ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant is resident of Madhya Pradesh and his availability for the trial shall be compromised if he is released on bail. Hence, the applicant is not entitled for bail.

4. Heard counsel for both the parties and perused the case diary.

5. The prosecution story is that the applicant in capacity of Project Engineer of Jai Shree Construction Company, with intent to misappropriate the proceeds, sold the scrap and other building material of the construction company worth Rs.10,00,000/- to the other co-accused persons. After lodging of FIR, some recovery of cash has been made from the possession of the applicant. Hence, this case.

6. Taking into consideration all the facts and circumstances of the case present in the case-diary and that the trial of the case is likely to take some time for its final disposal, I am of the considered opinion that the applicant deserves to be released on 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 furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge