

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4850 of 2018

- Arvind Panday S/o Shree C.L.Panday Aged About 37 Years
R/o Naka Sarkanda, Bangalipara, Gali No.4, Thana
Sarkanda, Bilaspur, Tehsil And District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Sarkanda, Bilaspur, Tehsil And District Bilaspur,
Chhattisgarh

---- Respondent

For Applicant :Shri Mahendra Dubey, Advocate.

For Respondent/State :Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

01/08/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 821/2017, registered at Police Station Sarkanda, District Bilaspur (C.G.), for the offence punishable under Section 409 read with Section 34 of the Indian Penal Code.
2. As per prosecution story, present applicant and other persons were appointed for selling liquor in Foreign Liquor Shop, Lingiyadih, Bilaspur C.G. It is alleged that they

deposited Rs. 10,46,000/- against the total sale of liquor amounting to Rs. 29,23,580, thereby, they committed breach of trust of an amount Rs. 13,78,000/- entrusted to them.

3. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that in the month of October 2017 the applicant had resigned from the said liquor shop and he worked only till October 2017 in the said liquor shop. One supervisor namely Pankaj Pathak and four other employees are working in the liquor shop. In ordinary course of duty the applicant and other salesmen were confined to the job of selling liquor from the counter and handing over the selling amount to Supervisor and the supervisor is responsible for the deposit of selling amount in the bank. Thus, under the said circumstances of the case, no *prima facie* case is made out. Learned counsel for the applicant further submits that the applicant is in custody since 09-06-2018 and trial will likely to take some time, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
6. Considering the above facts and circumstances of the case, further considering the fact that the applicant is in custody since 09-06-2018, offence is triable by Judicial Magistrate First Class and trial will likely to take some time, therefore, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.

8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-

(Arvind Singh Chandel)

Judge

Shubham