

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4837 of 2018**

Kartik Kashyap, S/o. Devnath Kashyap, Aged About 25 Years, R/o. Village Pushpal, District Bastar Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Police Station Kotwali, District Bastar Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P.K. Tulsyan, Advocate
For Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****31/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.373/2017, registered at Police Station- Kotwali, District – Bastar (C.G.) for the offence punishable under Section 406, 409/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 24.11.2017. No case is made out against him. The complainant has made statement under Section 161 of Cr.P.C. that missing amount is shown to be complete in the accounts of the bank. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant has misinterpreted the statement of the complainant. According to his statement, including the missing

amount, the accounts of Bank is complete. Hence, no case is made out for grant of bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. As per the prosecution case, on the date of incident, the applicant and co-accused were entrusted with Rs.1,82,00,000/- of SBI for filling of ATM machine located in Jagdalpur, Bastar. Later on it was found that filing in ATM was short of Rs.5.00 lakhs. Hence, the FIR was lodged against the applicant and co-accused.
6. Considered the submissions made and the contents of the case diary. Considering on all the facts and circumstances of the case, charge-sheet in this case has been filed before the trial Court, the applicant is local resident of District – Bastar, trial against him is likely to take sometime, 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 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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