

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6032 of 2018**

Abid Khan S/o Late Shahid Khan Aged About 37 Years R/o- Village-
Haldibadi Chirimiri, District- Koriya, CG

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Chirimiri,
District- Koriya, CG

---- Respondent

For applicant	Mr. D. N. Prajapati, Adv.
For Respondent/State	Mr. Suryakant Mishra, PL.
For objector	Mr. N. Naha Roy

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****5-10-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 116/2018 registered in police station Chirmiri, Distt. Koriya (CG) for offence punishable under Sections 407 and 408 of the IPC.
3. Perused the case diary.
4. Prosecution story in brief is that there is a proprietorship firm in the name of M/s. Datta and Datta at Haldibaadi, Chirmiri. Balwant Datt who is brother of the complainant S.K. Datta looks after the affairs of the firm. The applicant was confidential employee of the said firm. On 24-10-2016, the applicant obtained Rs. 10 lacs from Balwant Datta for giving the same to complainant S.K. Datta. The applicant did not give the said amount to the complainant. Complainant inquired from the applicant. The applicant promised that he will return the said amount. Thereafter he returned Rs. 1 lac to the complainant. On 25-7-2017 he refused to repay the remaining amount.
5. Counsel for the applicant argued that the applicant is innocent. He further submits that the FIR is delayed by two years. As the complainant left the job of the said firm, he has been falsely implicated.
6. On the other hand, the State Counsel opposed the bail application.

However, he submits that there is no criminal antecedent of the applicant reported in the police case diary.

7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, and as the delay in FIR is subject matter of scrutiny of evidence which can be done by the trial Court, this Court is not inclined to grant bail to the applicant.
8. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge