

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 33 of 2019

- Kamalkant Sahu S/o Shri Banshilal Sahu Aged About 38 Years R/o Village- Pahanda, Post- Pahanda, Police Station- Amleshwar, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through Police Station- City Kotwali, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sourabh Sharma Advocate.

For Non-applicant : Mr. Waseem Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 367/2018 registered at Police Station –City Kotwali Raipur, District – Raipur (C.G.) for the offence punishable under Section 408 of the Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Vijay Kumar Manik @ Banti is the retailer and wholesale seller of tea leaves. He runs a shop in the style and name of Abhishek Agency, he had appointed the applicant as salesman. In 2016 during demonetization he had sold the tea leaves to different shop owners, received amount but did not deposit to the aforesaid agency. He had misappropriated about 5 lakh rupees.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime in future, he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE