

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1731 of 2019**

1. Suman Jha S/o Shri Kripanand Jha , Aged About 29 Years R/o Village Malad, Police Station Sukoul District Sukoul, Civil And Revenue District Sukoul Bihar., Bihar
2. Nandan Jha S/o Shri Naveen Jha, Aged About 24 Years R/o Kishanpur, Police Station Sukoul, District Sukoul Bihar Civil And Revenue District Sukoul Bihar., Bihar

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Pandari, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Ishan Verma, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****08/04/2019**

1. This is the second bail application under Section 439 of the CrPC.
2. Earlier first bail application was rejected by this Court on 11/09/2018 in MCRC No. 5175 of 2018 considering *prima facie* material which was available on record.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.133/2018 registered at Police Station Pandri, District Raipur (C.G.) for the offence punishable under Section 420,409 and 34 of IPC.
4. Case of the prosecution, in brief is that Mohit Kumar Mathur is a Director of Sura Retail Company. One new branch of the said company was opened at Ranchi (Jharkhand). The applicants have been posted at Ranchi to manage the affairs of the said company. During from 15.10.2017 to 23.01.2018, Rs. 7,62,497/- have been transferred in the account of Applicant No.1-Suman Jha and Rs.12,87,326/- have been transferred in the account of Applicant No.2-Nandan Jha for use in the development of the said company. In two different occasion, Rs.3,00,000/- and Rs. 1,45,000/- have also been given to the applicants for use in the said company. During the inspection, it was found that

applicants along with some other persons have misappropriated the aforesaid amounts.

5. Counsel for the applicants submitted that the matter has been compromised between applicants and complainant, thus they may be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
7. As per the true copy of the order-sheet dated 08/01/2019 of Judicial Magistrate First Class, Raipur on the basis of compromise took place between complainants Vivek Kumar Yadu, Mohit Kumar Mathur, applicants were acquitted from the charge punishable under Section 420/34 of IPC and under Section 320(8) of CrPC. Now the case is pending before the Court against the applicants for the offence punishable under Section 409/34 of IPC.
8. Above mentioned facts and circumstances of the case are sufficient to enlarge the applicants on bail on second round of litigation, thus it is ordered that if the applicants furnishes two solvent sureties for a sum of Rs. 25,000/- each along with one personal bond of Rs. 50,000/- each to the satisfaction of the trial Court concerned with the condition that they will not involve themselves in any of the crime in future, they shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge