

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8611 of 2018**

Ankit Mahanand, S/o Late Shri Ramji Mahanand, aged about 30 years, R/o Gali No. 05, Near R.K. Electrician, New Pension Bada, Bayron Bazar, Neaer Poly Technic College, Raipur, Police Station – Kotwali, Tahsil & Distt. Raipur (C.G.)

----Applicant**Versus**

State of Chhattisgarh, through, Station House Officer, Police Station- Gudhiyari, Distt. Raipur (C.G.)

---- Non-applicant**M.Cr.C. No. 8894 of 2018**

Ramkumar Shriwas, S/o Late Murari Lal Shriwas, aged about 33 years, Permanent R/o Village Jaitpur Kala, Lakhanbada (M.P.), presently R/o Kalinagar, Pandri, Near Moon Light School, Ward No. 34, House of Sadav, Tahsil & Distt. Raipur (C.G.) P.S. Pandri, Distt. Raipur (C.G.)

----Applicant**Versus**

State of Chhattisgarh, through, Station House Officer, Police Station- Gudhiyari, Distt. Raipur (C.G.)

---- Non-applicant

For applicant	:	Smt. Indira Tripathi, Adv. in M.Cr.C. No.8611/2018
For applicant	:	Shri Akash Shrivastava, Adv. in M.Cr.C. No. 8894/2018
For Respondent/State	:	Shri A.N. Bhakta, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****18/01/2019**

1. Above mentioned two bail applications filed under Section 439 of the Code of Criminal Procedure arise out of a common Crime No. 121/2013, registered at Police Station Gudhiyari, District Raipur, for the offence punishable under Sections 408 & 120 (B) of the Indian Penal Code , therefore, they are being heard analogously and decided

by this Common Order.

2. Case of the prosecution, in brief, is that co-accused Vikas Chandark, who was working as Accountant in the firm of complainant namely Agro Industries, Gudhiyari, Raipur has embezzled the amount of Rs.36,74,483 /- with the help of co-accused Chandrakant Verma and out of which, an amount of Rs. 2,34,500/- has been transferred to the account of Ankit Mahanand (accused in M.Cr.C. No. 8611/2018) whereas an amount of Rs.3,50,000/- has been transferred to the account of Ramkumar Shriwas (accused in M.Cr.C.No. 8894/2018) and thereby committed the aforesaid offences.

3. Learned counsel appearing for the applicants would submit that the applicants have falsely been implicated in the offence in question as they have not committed any offence, in fact co-accused Vikash Chandak has deposited the amount of Rs. 2,34,500/- & Rs. 3,50,000/- in the account of accused persons namely Ankit Mahanand & Ramkumar Shriwas, respectively, which they have already returned to Vikash Chandak. They would further submit that co-accused – Vikash Chandak has already been granted bail by the Supreme Court in Special Leave to Appeal (crl.) No. 9124/2016, decided on 11.01.2017 whereas another co-accused – Chandrakant Verma has already been granted bail by the Supreme Court in Special Leave to Appeal (Crl.) No. 3782/2017, decided on 9.5.2017 and, therefore, the applicants may also be enlarged on bail on the ground of parity. The would also submit that applicants are languishing in jail 29.07.2018; and the supplementary charge sheet has already been filed and no useful purpose would be served in detaining them in jail and, therefore, the applicants may be released on bail.

4. On the other hand, counsel for the respondent/State would oppose the bail applications.

5. I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

6. Taking into consideration the nature & gravity of the offence, facts & circumstances of the case; particularly the fact that co-accused Vikash Chandak, who is said to have withdrawn the aforesaid amount with the help of another co-accused – Chandrakant Verma, both have been granted bail by the Supreme Court vide order dated 11.01.2017 & 9.5.2017, respectively; and the applicants are in custody since 29.07.2018; supplementary charge sheet has already been filed and trial is likely to take some time for its final disposal; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the bail applications are allowed.

7. Accused/applicants Ankit Mahanand & Ramkumar Shriwas are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

