

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 805 of 2020**

Rajendra Singh Chouhan, son of Jaikishan Singh Chouhan, aged about 58 years, Resident of village Gataparkala, P.S. Gandai, Tahsil Khairagarh, District Rajnandgaon (C.G.) (P.S. wrongly mentioned as Khairagarh in the order of lower court)

---- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station – Gandai, District Rajnandgaon (C.G.)

----Non-applicant

For Applicant	:	Mrs. Seema Singh, Advocate
For Non-applicant	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****06/02/2020**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 172/2019 registered at police Station Gandai, Civil and Revenue District Rajnandgaon for the offence punishable under Section 409 of the Indian Penal Code.

(2) Case of the prosecution, in nutshell, is that complainant namely Narendra Wahane, who is working as Assistant Food Officer, Khairagarh, made a written report on 17.07.2019 to the effect that the present applicant along with other co-accused persons was committed the offence of breach of trust in the Government Fair Price Shop at Tikripara in the month of April, 2019 till the lodgment of the FIR. It is alleged that complainant, upon verification of the goods in the Fair Price Shop, found that the present applicant misappropriated / embezzled an amount of Rs.20,202/- while working as In-charge of the aforesaid shop and

thereby committed to aforesaid offence of breach of trust.

(3) Learned counsel appearing for the applicant would submit that the applicant has falsely been implicated in the crime in question as there is no evidence available on record to connect the applicant with the crime in question. She further submits that since the applicant is in detention since 09.01.2020 and trial is likely to take some time for its final disposal and no custodial interrogation is required, therefore, applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

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

(5) Taking into consideration the facts & circumstances of the case; in particular the fact that applicant is in detention since 09.01.2020; and the trial is likely to take time for its final disposal and no custodial interrogation is required; without further commenting on merits; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

