

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 923 of 2020**

- Yadavendra Singh Baghel S/o Harivendra Singh Baghel, aged about 49 years, R/o Mauhar, PS Kothi, District Satna (M.P.)
Occupation posted as Junior Assistant Process Center in Chhattisgarh State Seed & Agriculture Development Corporation Limited, Sendri, District Bilaspur (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through : The Station House Officer, Police Station Jainagar, District Surajpur (C.G.)

---- Respondent

For Applicant	:	Shri Jitendra Shrivastava, Advocate
For Respondent	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****30/06/2020**

1. The applicant has preferred this Second bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.172/2019, registered at Police Station – Jainagar, District Surajpur (C.G.) for the offence punishable under Section 409 IPC.
2. On 10.12.2019, the first bail application of the applicant was dismissed as withdrawn with liberty to file the same at an appropriate stage.
3. The accused/applicant has already been granted temporary bail by this Court vide order dated 04.06.2020 and he was directed to surrender before the trial Court concerned on 01.07.2020.
4. The allegation against the present applicant is that on during his posting as Junior Assistant Process Center in Chhattisgarh State Seed & Agriculture Development Corporation Limited, on 24.06.2013, he had collected a sum of Rs.50,92,659/-

from Senior Agriculture Development Officer in 8 receipts from 27701 to 27708, but in respect of the said amount no entry was made and even the same has not been deposited in the account of corporation. Further, in a Departmental Enquiry, it was found that the applicant used the said amount for his personal gain. Thereafter, he deposited Rs.3 Lac in the Department's Account and has embezzled the remaining amount. Based on this, offence has been registered.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the departmental enquiry conducted against the applicant is contrary to the principles of natural justice and that too behind the back of the applicant. The incident alleged to have taken place on 24.06.2013 and FIR was lodged on 27.07.2019 with a delay of about six years. He also submits that the applicant is in custody since 28.08.2019, charge sheet has been filed in which it is found that the money receipts were not signed by the applicant and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
6. On the other hand, learned counsel for the State opposed the bail application.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 28.08.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
9. Accordingly, the bail application is allowed.
10. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as

and when directed, till the final disposal of the trial.

11. It is made clear that the applicant shall be released on bail only after he furnishes the bail bonds as per the direction of this Court and he is not required to surrender before the trial Court on 01.07.2020, as directed vide order dated 04.06.2020.
 12. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.
 13. Interlocutory applications, if any, shall also stand disposed of.
- Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge