

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1093 of 2020**

Chaitram Chandra S/o Itwar Singh Handra, Aged about 42 years, R/o Village Hardidih, Tahsil and Thana Dabhara, District Janjgir Champa, Chhattisgarh.

---Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Tarbahar, District Bilaspur, Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. T.K. Jha, Advocate
For State :- Mr. Ayaz Naved, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

11/05/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 145/2018, registered at Police Station - Tarbahar, District Bilaspur (CG), for the offence punishable under Sections 406 and 408 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant worked as a super wiser in the shop functioning under the complainant and he has

embezzled a sum of ₹ 5,18,640/- and thereby, committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in the crime in question and there is a delay of one year in lodging the FIR by the complainant. He would further submit that the applicant is in jail since 23/01/2020 and the trial is not likely to take place on account of COVID 19 pandemic.

4. On the other hand, learned counsel for the State would oppose the bail application.

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

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and pre-trial detention of the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum

to the satisfaction of the concerned trial Court,
for his appearance as and when directed.

9. 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.

10. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet