

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1490 of 2020

Ashok Kumar Jena, S/o. Sudarshan, Aged About 40 Years, R/o. Village Mukundpur, Police Station Aska, District Ganjam, Orissa.

---- Applicant

Versus

State of Chhattisgarh, through : Station House Officer, Police Station Civil Lines, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Sakib Ahmed, Advocate

For Respondent/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/03/2020

1. This is the second 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.246/2018, registered at Police Station – Civil Lines, District – Raipur (C.G.) for the offence punishable under Section 420, 120-B, 34 of the Indian Penal Code. The first bail application of the applicant was dismissed on merits vide order dated 30.08.2018 in M.Cr.C. No.5322 of 2018.
2. It is submitted by the learned counsel for the applicant that circumstances have changed since the rejection of the earlier bail application, the charge-sheet has been filed and it is almost more than

one and half year the case against the applicant and other co-accused persons is pending, which has made no progress. Another development is this that one of the main accused namely Jagannath Das, Chief Director of the company has been granted bail by the Supreme Court. Therefore, on this basis, it is prayed that the applicant be also enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that co-caused Jagannath Das has been granted bail for the reason that he has made some contribution by making payment of the defalcated amount and no such thing has been done by this applicant.
4. In reply, counsel for the applicant submits that this applicant was not the person, who was handling the accounts and he is simply working as an employee, therefore, he is not in a position to make such contribution. Apart from that the applicant has already resigned from the post of Director on 13.01.2012.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Considered on the present circumstances that have been appeared. Firstly the case is pending for trial and the trial is likely to take sometime. Secondly, the main accused in this case has been granted bail by the Supreme Court and the applicant is in jail since more than one and half years, hence for this reason, 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram