

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2009 of 2020**

- Vijendra Nirala, S/o Rohit Ram Nirala, Aged About 38 Years, R/o Village Gadhabhata, Bloda Bazar, District- Baloda Bazar, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through: Police Thana- Bhatgaon, District- Baloda Bazar, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.03.2020**

1. The accused/applicant has moved this second bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 178/2019 registered at Police Station- Bhatgaon, District- Baloda Bazar (C.G.) for the offence punishable under Section 409/34 of I.P.C.
2. The first bail application of the applicant before the Hon'ble Court vide MCRC No. 7562/2019 which was dismissed as withdrawn with liberty to file after appropriate stage vide order dated 10.01.2020.
3. The prosecution story, in brief is that, complainant Amit Kumar Shukla lodged a report stating that the present applicant along with other co-accused persons have misappropriated the Government money as 662.33 quintals of paddy amounting to Rs. 16,55,825/- found to be shortage. Thereafter, offence has been registered against the present applicant and other co-accused persons.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that other co-accused has been granted anticipatory bail in MCRCA No. 1966/2019 vide order dated 06.03.2020. The applicant is in jail since 23.10.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that other co-accused has been granted anticipatory bail in MCRCA No. 1966/2019 vide order dated 06.03.2020. The applicant is in jail since 23.10.2019 and the 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 applicant on bail. Accordingly, the application is allowed.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local surety in the like sum to the satisfaction of the trial Court/remand Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**