

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2083 of 2020**

- Osazee Godstine @ Bright S/o Osagiede Godstime, aged about 35 years, R/o Ecooi Lagous Naigeria, Presently R/o Neha Building 301, Meeramai Da Road Kashimora, Thane (M.S.), Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Devendra Nagar, District-Raipur, Chhattisgarh.

---- Respondent

For Applicant
For Respondent/State

: Mr. Hemant Kesharwani, Adv.
: Mr. Dinesh Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16/06/2020**

1. The accused/applicant has moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 214/2018 registered at Police Station Devendra Nagar, District-Raipur (C.G.) for the offence punishable under Sections 419, 420 of the IPC and 66, 66(1), 66(2), 66(D) of the I.T. Act.
2. The first bail application of the applicant was dismissed with liberty to revive the same after evidence of the material witnesses by this Court on 23.10.2019 in MCRC No. 6047/2019.
3. The prosecution story in brief is that, an FIR was lodged by complainant Mahesh Kumar Rathi, who is Chief Executive Officer of Commercial cooperative Bank, stating that the current account of the present complainant which was operated from the Yas Bank Civil Line, Raipur. On 06.11.2018 at the time of closing there over 440.53 (Four Crores, Forty Lacs, Fifty Three Thousand) were the closing amount, again on 07.11.2018 when he tallied the amount it was found that Rs. 2.47 crore was missing, which was transferred to 26 different accounts, thus the police has started to investigate and the present applicant has been arrested and offence has been registered.
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 co-accused has already been granted bail in MCRC No. 7930/2019 so, the present applicant may also be granted benefit of bail. He next submits that the applicant is in jail since 18.11.2018, 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 and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
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, detention period of applicant and further considering that the applicant is in jail since 18.11.2018, 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. 1,00,000/- with one local 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. It is directed that passport of the applicant will be confiscated and kept in custody by the concerned police station and he will not be allowed to leave the country without permission of the Court.
9. It is made clear that if the applicant has already been released on bail pursuant to the bail bond 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 bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

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