

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3157 of 2020**

- Shahrukh Khan S/o Shahnawaj Khan, aged about 27 years, R/o Gouri Nagar, Ward No. 14, Behind Railway Power House, Post Chikhli, Kotwali, Rajnandgaon, District Rajnandgaon (C.G.).

---- Petitioner**Versus**

- State Of Chhattisgarh Through- Police Station Basantpur, Rajnandgaon, District Rajnandgaon (C.G.).

---- Respondent

For Applicant	:	Shri Manoj Paranjape, Advocate
For Respondent	:	Shri Vimlesh Bajpai, G.A.
For Objector	:	Shri Abhishek Sharma, Advocate.

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/07/2020**

Heard.

Admit.

1. The applicant has preferred this first 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.146/2020, registered at Police Station - Basantpur, Rajnandgaon, District Rajnandgaon (C.G.) for the offence punishable under Sections 406, 420 and 34 IPC.
2. The prosecution story, in brief, is that one Devesh Verma lodged the written report at Police State Basantpur, Rajnandgaon, *inter-alia* on the allegations that one Akash Yadav (main accused) was running a typing company styled as Typino, situated at Fawarra Chowk, Jagannath Complex, Rajnandgaon. It is alleged that 33 employees were working in Typino Company for typing purpose and amount of Rs.12,00,000/- was collected by Akash Yadav. Till January,

2020, Akash Yadav paid the salary of all the employees for the work executed by them, thereafter, no salary has been paid to the employees and when the employees had approached Akash Yadav, he used to make an excuse that the amount has not been disbursed by the Company situated at Delhi. On the said written complaint, FIR was lodged and during the course of investigation, the present applicant Shahrukh Khan was also arrested *inter-alia* on the allegation that he was a partner in Typino Company and he used to conduct meetings of the employees and amount of Rs.1,40,000/- was deposited in his account. The applicant has been taken into custody on 13.05.2020.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant was running a choice center at Collectorate premises, Rajnandgaon as Lok Seva Operator and as he was having knowledge of hardware and software of the computer, therefore, the main accused Akash Yadav had engaged him for maintenance of his computers. He also submits that the applicant used to maintain the computers and was having intimacy with the main accused. On the request of the main accused, the account details were given to Akash Yadav and at the instance of Akash Yadav, some candidates might have deposited the amount. He also submits that in the written complaint, there is no allegation against the present applicant, and even there is no document with regard to partnership of applicant in the charge sheet. He further submits that the applicant is in custody since 13.05.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State and Objector opposed the bail application. Learned counsel for Objector submits that an amount of Rs.2,40,000/- has been deposited in the account of present applicant by the employees of Typino Company.

5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the main allegation is against accused Akash Yadav, the present applicant is in custody since 13.05.2020, charge sheet has been filed and the disposal of case may take some time, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the application is allowed. The applicant is ordered to 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 disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde