

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3618 of 2020**

- Khemraj S/o Shri Bholaram Banjara, Aged About 31 Years R/o Village - Sanhar, Police Station - Tendukona, Tahsil - Bagbahra, Civil And Revenue District - Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station - Tendukona, Civil And Revenue District - Mahasamund Chhattisgarh

.....Non-Applicant

For the Applicant : Shri Sumit Shrivastava, Advocate

For Non Applicant : Shri D.K. Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta
CAV Order

1. This is 5th bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. His no other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court vide order dated 14-2-2019 passed in MCRC No. 43/2019 considering prima facie case against him. His second bail application was rejected by this Court vide order dated 30-8-2019 passed in MCRC No. 4007/2019 considering prima facie case against him. His third bail application was rejected by this Court vide order dated 19-12-2019 passed in MCRC No. 8149/2019 considering prima facie case against him. His 4th bail application was dismissed as withdrawn by this Court vide order dated 18-3-2020 passed in MCRC No. 1654/2020.
3. Perused the case diary in connection with Crime No. 167/2018 registered in police station Tendukona, Distt. Mahasamund (CG) for offence punishable under Sections 409, 420 of IPC and Section 3 and 7 of Essential Commodities Act, 1955.
4. Prosecution story in brief is that the applicant was a seller of fair price

shop of village Mongrapali and Shikaripali operated by Prathmik Krishi Sakh Sahkari Samiti. After the inquiry it was found that the applicant had not properly distributed 300 quintals of rice to 100 card holders during the year 2014 to 2017. He had embezzled the sale amount of Rs. 5,64,827.69/-

5. Counsel for the applicant submitted that the applicant is in jail since 7-12-2018. Looking to the present scenario, early conclusion of trial is not possible. The wife of the applicant has already deposited allegedly said embezzled amount on 30-1-2020. He drew my attention on Annexure A-6 which is part of this bail application. Thus, the applicant may be released on bail.
6. On the other hand, the Dy. Govt. Adv. appearing for the State opposed the bail application. However, he submitted that no criminal antecedent against the applicant has been shown in the police case diary.
7. As per Annexure A-6, the wife of the applicant has already deposited said embezzled amount on 30-1-2020. This circumstance is sufficient to enlarge the applicant on bail in 5th round of litigation.
8. Consequently, 5th bail application of the applicant is allowed and it is directed that if applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge