

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3842 of 2020**

- Shafik Khan, S/o Jalil Khan, Aged About 38 Years R/o Devri Khurd, Darrighat, Police Station Torwa, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

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

---- Respondent

For Applicants	:	Shri S. P. Sahu, Advocate
For Respondent/State	:	Shri Alok Bakshi, Additional AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

14/08/2020

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.81/2020 registered at Police Station Urla, District Raipur for the offence punishable under Section 406 & 407 of the IPC. The applicant was arrested on 04-06-2020.
2. Prosecution case is that the applicant, who was engaged as driver, was entrusted for delivery of goods. After effecting delivery, the applicant obtained payment of Rs.4 Lakh and that amount was not returned by him to his Master and in this manner, he misappropriated the amount, which was entrusted to him and thereby committing the offence of breach of trust.
3. Learned counsel for the applicant submits that allegations levelled against the applicant are not correct and he has not committed any such offence. He would further submit that the applicant has remained in jail since 04-06-2020 and his further custodial interrogation is not necessary as whatever seizure required to be made, has already been made.
4. On the other hand, learned counsel for the State/non-applicant opposes

the bail application by submitting that the statement of Master of the applicant and other witnesses prima facie show that he was paid Rs.4 Lakh against delivery of goods, which he was required to hand over to the owner-Kailash Rathore, but, that amount was not deposited with him and in this manner, the applicant misappropriated the amount. He lastly submits that till date, investigation is not complete and charge sheet has not been filed.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of allegation levelled against the applicant, which is not punishable with life imprisonment and also taking into consideration that the applicant has remained in jail since more than two months and further that there does not appear any necessity for custodial interrogation, I am inclined to enlarge the applicant on bail.

6. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

SD/-
(Manindra Mohan Shrivastava)
Judge