

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5426 of 2020**

- Ramnarayan Shukla aged about 48 years S/o Late Shri Bhagwat Prasad Shukla, Occupation-Incharge, Paddy Procurement Centre Goindri, R/o Nagar Panchayat Pathariya, Police Station & Tahsil - Pathariya, District - Mungeli, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Pathariya, District : Mungeli, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ratnesh Kumar Agrawal, Adv.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/09/2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 237/2020 registered at Police Station - Pathariya, District-Mungeli (C.G.) for the offence punishable under Sections 409, 34 of the IPC.
2. The applicant has been granted temporary bail by this Court vide order dated 03.09.2020 and he was directed to surrender before the trial Court on 14.09.2020.
3. The prosecution story, in brief is that, the applicant embezzled 657.40 quintal paddy which purchased under Kharif Marketing Policy 2019-2020 by applicant and other co-accused persons. Based on this 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 the applicant is not responsible for shortage of the paddy. It is most respectfully

submitted that due to the bad climate purchase paddy rotten and resultantly stock of paddy has been shortened. He next submits that there are three other co-accused persons who have already been granted anticipatory bail in MCRCA No. 917/2020, therefore, the applicant may also be given the benefit of bail. He also submits that prior the applicant has been granted temporary bail by this Court vide order dated 03.09.2020 and as per direction he has positively surrendered himself on 14.09.2020. He thereafter submits that the applicant is in jail since 26.07.2020, and 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 submitting that applicant along with other co-accused persons has committed a serious offence, therefore, the applicant may not be enlarged on 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 the facts that the other co-accused persons have already been granted anticipatory bail and the applicant is in jail since 26.07.2020 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. 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