

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6453 of 2019

Jagdish Prasad Yadav S/o Mohan Yadav Aged About 43 Years Caste Mahkul, R/o Village Ludeg, Police Station and Tahsil Pathalgaon, District- Jashpur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Pathalgaon, Distt. Jashpur, Chhattisgarh.

---- Respondent

For the applicant	: Smt. Renu Kochar, Advocate
For the Respondent/State	: Shri D.P. Singh, Dy. AG.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

03.03.2020

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.204/2018, registered at Police Station – Pathalgaon, District – Jashpur, (C.G), for commission of the offence under Sections 420, 406, 467, 468, 471 & 120B of the IPC.
2. Earlier bail application of the applicant bearing M.Cr.C. No.2065/2019 was dismissed as withdrawn by this Court vide order dated 22.07.2019 reserving liberty to the applicant to file repeat application after six months.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 12.03.2019. After completion of investigation, charge-sheet has been filed, but the trial is not proceeded as not a single witness has been examined till date. Similarly placed co-accused persons have been granted bail by this Court. Hence, this applicant is also entitled for grant of bail.
4. Learned counsel for the State opposes the bail application submitting that it is case of huge defalcation of Rs.1,93,39,661/- and the present

applicant is the main accused in this case, who has misappropriated the same, deposited the amount of defalcation in the bank account of his relatives and, therefore, he is not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.
6. The applicant was working as Manager in Adim Jati Sewa Sahkari Samiti, Ludeg. He had purchased total 12481.30 quintals paddy from 265 farmers and against which, cheques for total amount of Rs.1,93,39,661/- were issued to those farmers. Allegation against the applicant is this that by manipulating the cheques, he got deposited the amount in the bank accounts of his relatives and, therefore, he withdrew the same on the pretext that he has to make payment of the farmers. Hence, this case.
7. Considering the fact that the applicant is in jail since 12.03.2019 and there is likelihood of considerable delay in conclusion of trial and further considering other co-accused persons have already been granted bail, I feel inclined to grant bail to the applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge