

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7402 of 2019

- Mithlesh Kumar Sahu S/o Rajendra Kumar Sahu Aged About 28 Years R/o Village Nagabuda, Police Station, Tahsil & District- Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Gariyaband District- Gariyaband, Chhattisgarh.

---- Respondent

MCRC No. 7489 of 2019

- Lilesh Chakradhari S/o Shri Ashok Kumar Chakradhari Aged About 25 Years R/o Village Panduka Police Station Panduka District Gariyabandh Chhattisgarh.
- Leelashankar S/o Shri Motiram Sahu Aged About 28 Years R/o Village Bhaismundi, Police Station Magarload, District Dhamtari Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through District Magistrate, District Gariyabandh Chhattisgarh.

---- Respondent

For Applicants	:-	Mr. Raza Ali, Advocate & Mr. Pragalbha Sharma, Advocate
For Respondent-State	:-	Sameer Singh, Dy GA

Hon'ble Smt. Justice Rajani Dubey
Order on Board

13/01/2020

- Both MCRCs are arising of the same Crime No.228/2019, therefore, they are decided by this common order.
- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 228/2019 registered at Police Station (in MCRC No.7489/82019) – Paduka, Gariyabandh (C.G.), Police Station (in MCRC No.7402) – Gariyabandh, District Gariyabandh (C.G.) for the offence punishable under Sections 420, 409/34 of the IPC.
- The prosecution story, in brief, is that the complaint filed against the present applicants. The allegation of the complainant is that accused persons are allotted the work of collection from the customer who have availed finance from the company. It is later discovered that the amount which are given by the customer to them are not deposited in their respective loan account and they committed fraud and criminal breach of trust by misappropriating the

money received from the debtors. Based on this, offence has been registered. The present applicants have been taken into custody on 19.10.2019.

- Learned counsel for the applicants submits that the applicant is innocent and has been falsely implicated in the case. Counsels further submit that the applicants have not received any money from any of the debtors of the complainant company, they have not role to play in commission of the alleged offence. Next submission is that as the applicants are in jail since 19.10.2019, they are ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, the present applicants may be released on bail.
- On the other hand State counsel strongly opposes the bail application.
- I have heard learned counsels for the parties and perused the entire material available on record.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the present applicants are in jail since 19.10.2019 and as 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 applicants on bail. Accordingly, the application is allowed.
- Accused/applicants are directed to be released on

bail on their executing a personal bond in the sum of Rs. 50,000/- each with one local surety in the like sum to the satisfaction of the trial Court. Applicants are directed to appear before the said Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge

Ankit