

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 240 of 2021

1. Atul Shukla S/o Shri Narsingh Shukla, Aged About 24 Years, R/o Santoshi Nagar Pragti Vihar Colony Behind Sheetla Mandir Tikrapara Raipur, P/S Tikrapara, District Raipur, Civil And Revenue District Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Kabir Nagar Raipur (C.G.).

---- Respondent

For Applicant	: Mr. Ajay Mishra, Advocate.
For Respondent/State	: Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17/02/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 19/12/2020 in connection with Crime No. 148/2020 registered at Police Station Kabir Nagar Raipur (C.G.) for the offence under Section 408/34 of IPC.
- 2) Allegation against the present applicant is that while he was working in the Government Liquor Shop as in-charge, he embezzled an amount of Rs. 16,36,520/-. On report being lodged to the above effect, offence has been registered against the applicant.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He further submits that co-accused Deepak Kumar Sahu vide order dated 06/11/2020 passed in MCRC No. 6457/2020 and co-accused Rakesh Kumar Sahu vide order dated 04/01/2021 passed in MCRC No. 6791/2020 have already been granted regular bail by the Co-ordinate Bench of this Court. He further submits that the

applicant is in jail since 19/12/2020 and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant, the fact that applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, the offence is triable by Judicial Magistrate First Class, and that similarly situated co-accused have already been released on bail by the Co-ordinate Bench of this Court and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 25,000/-** with **one** surety of Rs. 25,000/- to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

-Sd/-
(Gautam Chourdiya)
Judge