

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 566 of 2021**

- Dukeshwar Manjhi, S/o Late Narsing Manjhi, Aged About 24 Years, R/o Village Tarashiv, Police Station And Tahsil Balaudabazar, District Balaudabazar Bhatapara, Chhattisgarh

---- Applicant (In jail)**Versus**

- State Of Chhattisgarh Through Police Station Saraipali, District Mahasamund, Chhattisgarh

---- Respondent

For Applicant	: Shri Mayank Chandrakar, Advocate
For Respondent/State	: Shri Priyank Rathi, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

25.06.2021

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he was arrested in connection with Crime No.391 of 2020 registered at Police Station Saraipali, District Mahasamund CG for the offence punishable under Section 409 of the IPC.
2. Case of the prosecution, in brief, is that applicant was working as Credit Assistant with Sampada Spurti Finance Limited, Jognipali Branch, since 2½ years prior to the date of incident. As per allegations, during the period between 03.01.2020 and 27.04.2020, present applicant has collected loan instalment money from loan account holders amounting to Rs.1,54,200/- but has not deposited the amount in account. One Dwarika Prasad, Cluster Manager of the Company has lodged FIR in the concerned Police Station upon which, offence was registered against the applicant.
3. Shri Mayank Chandrakar, learned counsel for the applicant submits that allegation levelled against the present applicant is false. He further submits

that after completion of investigation charge-sheet is filed, there are as many as 39 enlisted witnesses to be examined by the prosecution and the case is triable by the Magistrate First Class. Trial of case may take some time. Applicant is resident of Village Dharsiva, Tahsil and District Balouda Bazar and there is no chance of his absconding. Applicant is ready to abide by the conditions imposed upon him by this Court while granting bail. He further submits that applicant is in jail since 26.10.2020, hence he may be enlarged on bail.

4. Shri Priyank Rathi, learned Panel Lawyer for the State opposing the submission made by learned counsel for the applicant submits that witnesses in their statement recorded under Section 161 CrPC have stated that the amount deposited by them has not been deposited in their loan account and some of them have also stated that loan has been obtained falsely in their name.

5. I have heard learned counsel for the parties.

6. Taking into consideration the nature of allegation levelled against the applicant, after completion of investigation charge-sheet is filed, the case to be triable by the Judicial Magistrate First Class, number of witnesses as stated to be examined to prove the charges, and also considering the period of detention since 20.10.2020, without commenting anything on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail upon furnishing a bail bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the

like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma