

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 782 of 2021**

1. Santosh Kumar Sahu, S/o Late Shri Ramkumar Sahu, aged about 28 Years, R/o Village and Post - Rajadeori, Police Station - Rajadeori, District - Balodabajar – Bhatapara, Chhattisgarh.
2. Dashrath Seth, S/o Shri Subhash Seth, aged about 21 Years, R/o Village and Post - Chandan, Police Station - Rajadeori, District - Balodabajar – Bhatapara, Chhattisgarh. ('Kewat' is wrongly mentioned in order sheet)

----Applicants**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station - Rajadeori, District - Balodabajar – Bhatapara, Chhattisgarh.

----Non-applicant

For Applicants	Mr. Sunil Sahu, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.
For Objector	Ms. Deblina Maity, Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

17/03/2021

1. The applicants have preferred this application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.78/2020 registered at Police Station Rajadeori, District Balodabazar-Bhathapara, C.G. for the offence punishable under Sections 406, 420, 467, 468 & 471/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that complainant Umesh Kumar Agrawal lodged a report against the co-accused- Narendra Jaiswal with the averment that complainant opened a

Hero Motor-Cycle Showroom at Rajadeori and appointed co-accused Narendra Jaiswal as Manager on the fixed salary of Rs.8,000/-. The said manager appointed the applicants as workers in the showroom to help him in cleaning and to provide tea to the customers. Further, allegation against the co-accused is that he did not deposit the sale amount in the account of Agrawal motors and thus committed criminal breach of trust by embezzlement of Rs.20 lakhs. Further, averment is that the co-accused prepared the forged seal and gave the receipt of amount to customers. On report to the above effect being lodged by the complainant, offence under the aforesaid sections were registered against the applicants.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 12.01.2021, they have no criminal antecedents, conclusion of trial is likely to take some time and that co-accused namely Narendra Jaiswal in this case has already been granted regular bail by the trial Court. Therefore, the applicants be released on bail on the ground of parity.
4. On the other hand, learned counsel for the State as well as the objector oppose the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. From the material available in the case diary, it is seen that the complainant Umesh Kumar Agrawal appointed the co-accused Narendra Agrawal as a Manager for handling his showroom on the fixed salary of Rs.8,000/- and thereafter co-accused

Narendra Agrawal appointed applicant- Santosh Kumar Sahu for helping him in the showroom and applicant- Dashrath Seth was the mechanic in the showroom and the main accused in this case is Narendra Agrawal, who embezzled Rs.20 lakhs from the company. Thus, in the totality of facts and circumstances of the case, the nature of allegations leveled against the applicants, the fact that the main accused in this case Narendra Jaiswal has already been granted regular bail by the trial Court, the detention period of the applicants, who are 21 & 28 years of age, and the fact that the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (i) they 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) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall not involve themselves in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge