

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 795 of 2021

- Gange Lal Sahu, S/o Shri Nehru Lal Sahu, Aged About 43 Years, R/o Village Basnajhar, Police Station Kharsia, Tahsil Kharsia and District Raigarh Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh, Through- Station House Officer of the Police Station Kharsia, Tahsil- Kharsia and District Raigarh Chhattisgarh. **---- Non-Applicant/State**

For Applicant	:	Shri Abhishek Saraf, Advocate
For Non-Applicant/State	:	Dr. (Ms.) Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

10.02.2021

1. This is the first 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 on 12.01.2021 in connection with Crime No. 386/2020, at Police Station- Kharsia, District- Raigarh (C.G.) for the offence punishable under Section 409/34 of I.P.C.
2. As per the First Information Report (FIR) lodged by Food Inspector Shailendra Kumar Ekka, on 18.09.2020, the officers/employees of Adim Jati Sewa Sahakari Samiti Maryadit, Jaimura and the elected office bearers of the society including the present applicant who is also the member of the society have committed defalcation/misappropriation of paddy and gunny bags for the procurement season 2019-20 to the tune of Rs. 89,82,325/- which equals to 3592.93 quintals paddy and gunny bags valued at Rs.19,05,332=20.
3. Learned counsel for the applicant submits that the allegations

against the applicant are false and fabricated, he is falsely implicated in the case. He submits that the similarly situated co-accused persons have already been granted regular bail vide order dated 07.01.2021 in MCRC Nos. 7736 & 7784 of 2020 by the co-ordinate Bench of this Court and vide order dated 21.01.2021 in B.P. No. 58/2021 the trial Court has also granted bail to co-accused namely Tejram Patel, the present applicant has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant was member of the said society and he was also responsible for the said embezzlement therefore, he is not entitled to be released on bail, however, the present applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and detention period of the applicant and the fact that the similarly situated co-accused persons have already been granted bail by the co-ordinate Bench of this Court as well as by the trial Court, the present applicant has no criminal antecedents as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, the application is allowed.
6. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with one surety of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-

- a) he shall not directly/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 facts to the Court.

- b) he shall not act in any manner which will be prejudicial to fair and

expeditious trial, and

- c) he shall appear before the trial Court on each and every date to him by the said Court till disposal of the trial.
- d) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stands cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim