

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1108 of 2021

1. Shekh Nasim S/o Shekh Noushad Ali, Aged About 25 Years, R/o Ward No. 7, Electricity Sub Station Sector 3, Shivnandan Nagar, Khamtarai 2, Raipur, Tahsil And District Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, P.S. Telibandha, District Raipur (C.G.).

---- Respondent

For Applicant	: Ms. Smita Jha, Advocate.
For Non-Applicant/State	: Mr. Vaibhav Singh, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

26/03/2021

- 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 21/12/2020 in connection with Crime No. 494/2020 registered at Police Station Telibandha, District Raipur (C.G.) for the offence under Section 408 of IPC.
- 2) Allegation against the present applicant is that while working as Salesman in the Electronic Shop of the complainant Ramesh Jatwar, he sold certain electronic items for much less price, thereby by committed criminal breach of trust with the complainant and embezzled a total sum of Rs. 2,49,908/-.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. She submits that earlier the applicant was prosecuted for the offence under Sections 419 & 420 of IPC at the instance of complainant Ramesh Jatwar but later on he was acquitted of the charges due to

compromise with the said complainant vide order dated 14/16/2019 passed in Criminal Case No. 5797/2019. She further submits that the applicant has been arrested on 21/12/2020, applicant has no other criminal antecedents and conclusion of trial is likely to take some time for its disposal. Therefore, the applicant deserve to be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicant has been acquitted in Criminal Case No. 5797/2019 of the charges under Sections 419 & 420 of IPC.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 25 years old, charge sheet has not yet been filed, and the fact that the 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, 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. 50,000/-** with **two** sureties of Rs. 25,000/- each 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**

Chandrakant