

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1330 of 2021

1. Gokul Prasad Deshmukh S/o Ramprasad Deshmukh, Aged About 28 Years, R/o Qtr. No. 09/F, Street No. 10, Sector-08, Bhilai, Tahsil And District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The District Magistrate Durg, District Durg (Police Station Supela, District Durg) (C.G.).

---- Non-Applicant

For Applicant	:	Mr. T.K. Jha, Advocate.
For Non-Applicant/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 27/01/2021 in connection with Crime No. 829/2020 registered at Police Station Supela, District Durg (C.G.) for the offence punishable under Section 408 of Indian Penal Code.
- 3) Case of the prosecution in brief is that complainant Hitesh Patel, Manager of CMS Company, Dakshin Gangotri, Bhilai Branch, lodged a report at Police Station Supela to the effect that the applicant, who was working in the said company, committed criminal breach of trust by not depositing the amount of Rs. 26,29,440/- in the account of the company, which was received from its customers.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that

the applicant has been arrested on 27/01/2021, charge sheet has been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the applicant be released on bail.

5) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has no criminal antecedent.

6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant who is 28 years old, charge sheet has already been filed, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 4,00,000/-** with two sureties of Rs. 2,00,000/- 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 strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority.
- v. he shall not involve himself in any offence of similar nature in future.

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**

Chandrakant