

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1859 of 2021**

- Bhartendu Kumar Jha @ B.K. Jha, S/o Late Shri Lakshmi Kant Jha Aged About 61 Years, Occupation Retired Principal, Jawahar Navodaya Vidyalaya, R/o Residential Complex, JNV Campus, Bisahi, District Shivhar, Bihar, Permanent R/o C/o Purendu Kumar Jha, Professor Colony, Bandhapra, Police Station Dumka, District- Dumka, Jharkhand.

---- Applicant**Versus**

- Central Bureau Of Investigations Through Head Of Branch, CBI, ACB, Chhattisgarh, Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. R. S. Marhas, Adv.
For Respondent	: Mr. Ramakant Mishra, Assistant Solicitor General

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02.06.2021**

1. The matter is heard through video conferencing.
2. The accused/applicant has moved this **first bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. RC1242017A0005 registered at Police Station- CBI, ACB Chhattisgarh, Raipur, Chhattisgarh for the offence punishable under Sections 120-B, 201, 409, 420, 467, 468, 471, 477-A of IPC & 13(2) r/w 13(1) (c) and (d) of Prevention of Corruption Act, 1988.
3. The prosecution story, in brief is that, it has been alleged that

on 05.04.2017, present applicant namely B.K. Jha and co-accused namely Sachin Mishra was posted at Navodaya Vidyalaya, Malhar, Bilaspur as Principal and U.D.C. respectively. During the said period, audit was conducted and as per the audit report, allegedly, about Rs. 1,17,33,085/- government fund has been embezzled by the present applicant and co-accused Sachin Mishra. Thereafter, offence has been registered against the present applicant.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that co-accused namely Sachin Mishra is a main accused person and he is still absconding and present applicant is 61 years old aged person and he has not played any role in committing the aforesaid offence. He next added that there is no seizure from the applicant and charge-sheet has already been filed and the applicant is in jail since 08.02.2021 there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the applicant is of serious in nature, and, therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused the record.
7. Taking into consideration the facts and circumstances of the case, and further considering the list of witnesses, documents annexed therein and the facts that co-accused is still absconding and applicant is 61 years old aged person and applicant is in jail since 08.02.2021, the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the

application is allowed.

8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 2,00,000/- and two sureties of Rs. 1,00,000/-, 1,00,000/- out of which one should be local to the satisfaction of the concerned trial Court. He is directed to appear before the trial Court on each and every dates to be given to him by the said Court.

**Sd/-
(Rajani Dubey)
Vacation Judge**

Ruchi