

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1787 of 2021

1. Gourav Kumar Kurrey Son Of Kaushal Kumar Kurrey, Aged About 25 Years, Resident Of Village Murra, Tahsil Dhamdha, District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Office, P.S. Kabir Nagar, Raipur, District Raipur (C.G.).

---- Non-Applicant

For Applicant : Mr. C.R. Sahu, Advocate.

For Non-Applicant/State : Ms. Shobha Shrivastava, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12/03/2021

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 01/02/2021 in connection with Crime No. 148/2020 registered at Police Station Kabir Nagar, Raipur, District Raipur (C.G.) for the offence punishable under Sections 408, 34 of Indian Penal Code.
- 5) Allegation against the present applicant is that while working in Hirapur Government Foreign Liquor Shop, the applicant alongwith other co-accused Deepak Kumar Sahu and Rakesh Sahu and Atul Shukla misappropriated total sum of Rs. 16,36,520/-. On report being lodged to the above effect on 11/08/2020 the aforesaid offence has been registered against

the accused persons.

- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that similarly situated co-accused Deepak Kumar Sahu has already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 06/11/2020 in MCRC No. 6457/2020, co-accused Rakesh Kumar Sahu has already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 04/01/2021 in MCRC No. 6791/2020 **and** co-accused Atul Shukla has already been granted regular bail by this Court vide order dated 17/02/2021 in MCRC No. 240/2021. He further submits that the applicant has been arrested on 01/02/2021, 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 on ground of parity.
- 7) On the other hand, learned counsel for the respondent/State opposes the bail application. She submits that the applicant has no criminal antecedent.
- 8) 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 25 years old, charge sheet has already been filed, 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, in particular the fact that **two co-accused** have already been released on bail by the Co-ordinate Bench of this Court and **one co-accused** has been released on bail by this Court, and that conclusion of trial may take some time, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 25,000/-** with one surety of Rs. 25,000/- 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 not involve himself in any offence of similar nature in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant