

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2328 of 2021**

- Pramod Kumar Chandrakar, son of Shri Amrit Lal Chandrakar, aged about 35 years, resident of Qtr. No. 498/2, VIP Nagar, Risali, P.S. Newai, District Durg, Presently at Qtr. No. 8/P, Street No. 86, HSCL Sector – 6 Bhilai, P.S. Sector – 6, District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through The District Magistrate, Korba (C.G.)

---- State/Non-applicant

For Applicant	:	Shri B.P. Sharma, Advocate
For Non-Applicant/State	:	Shri Rakesh kumar Sahu, Deputy Government Advocate
For Objector	:	Shri Anish Tiwari, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****13.04.2021**

1. This application is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 12.03.2021 in connection with Crime No. 36/2021 registered in Police Station- Kotwali, Korba (C.G.) for the offence punishable under Sections 420 & 409 of IPC.
3. Case of the prosecution in brief is that being the employee of Banke Bihari Traders, co-accused namely Rakesh Rajak obtained illegal benefits by getting the amount of bonus etc. deposited in his account instead of the account of the firm and thereby defalcated an amount of Rs.13,98,134/-. The said amount has been deposited by co-accused in his Allahabad Bank account. It is also alleged that the co-accused made digital signature of complainant Jay Kumar Soni and on the basis of that signature the amount has been embezzled. The F.I.R. was registered in Police Station Kotwali, Korba against co-accused Rakesh Rajak under Sections 409 & 420 of IPC under Crime No. 36/2021 and co-accused was arrested on 12.01.2021. On the basis of memorandum statement of co-accused Rakesh Rajak, present

applicant Pramod Kumar Chandrakar was made an accused in this case as he was associated with co-accused.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He submits that the complainant approached the wife of applicant and extorted an amount of Rs.70,000/- by obtaining a post dated cheque in his favour. He further submits that the applicant has paid entire amount to the complainant. He also submits that the applicant is languishing in jail since 12.03.2021, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. It is stated that the entire amount has been returned by the present applicant to the complainant and learned counsel for the objector has no objection to release the applicant on bail.
7. Having heard learned counsel for the parties.
8. Having regard to the facts and circumstances of the case, the fact that the present applicant has returned the entire amount to the complainant, the detention period of the applicant who is 35 years old, charge-sheet has already been filed and conclusion of the trial is likely to take some time, the applicant has no criminal antecedent as admitted by counsel for the parties and that there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the application is allowed.
9. 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 Bench.

Sd/-

(Gautam Chourdiya)
Judge

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