

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2765 of 2021

- Kailash Das S/o Vishwanath Das Aged About 59 Years Resident Of G.M. Complex , Ward No. 2, Podi , Police Station Podi, District Korea Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Podi, District Korea Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sanjeev Kumar Sahu, Advocate.
For Respondent/State	:	Mr. D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/05/2021

Heard.

Admit.

1. Learned counsel for the State submits that case diary is available.
2. Both the learned counsel for the parties have agreed to make their final submissions.
3. This is the *first* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.36/2021 registered at Police Station – Podi, District - Korea (C.G.) for the offence punishable under Sections 406, 409, 420, 468, 471 and 120-B of IPC.
4. It is submitted that the applicant has been falsely implicated in this

case. The applicant is employed as Accountant in SECL, Baikunthpur. The allegation regarding indulgence of the applicant in the present case is false as he does not know how to operate the computer system and somebody has misused his ID and password. The applicant has also been charged departmentally for the same incident. The charge sheet has been filed after completion of investigation and the applicant is in jail since 26.03.2021, hence, it is prayed that he may be enlarged on regular bail.

5. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is clear evidence against the applicant that he has participated in the commission of offence in which the forged bills of the other co-accused persons were cleared by this applicant by making use of his ID and password, therefore, the applicant is not entitled for grant of bail.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the prosecution case, the main accused Manish Mishra presented forged bills for clearance, which were cleared and an amount of Rs.38 lakhs was paid to him. After discovery of this clearance and on the basis of the documents, it was found in the inquiry that the ID and password of the applicant were used for clearance of the said bills.
8. Considered on the submissions. Taking into consideration that the case is now pending for trial and there is likelihood of delay in the trial and the pandemic situation is continuing, under these circumstances, I feel inclined to allow the application of this applicant.

9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge

Yasmin