

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****M.Cr.C. No. 2915 of 2021**

- Nand Kishore S/o Neelam Shri Hari, Aged about 42 years, Working as Manager Finance SECL, Chirmiri Area, Chirmiri, District Koriya (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through The Station Head Officer, Police Station Podi, District Koriya (C.G.)

---- State/Non-Applicant**And****M.Cr.C. No. 2998 of 2021**

- Manish Kumar Mishra, S/o Ram Narayan Mishra, aged about 35 years, residing of Village Bazarpara, Korea Colliery, Police Station & Tahsil Chirmiri, District Korea (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh through Station House Officer, Police Station Podi, District Koriya (Baikunthpur), Chhattisgarh

---- State/Non-Applicant

For Applicants : Shri Ashish Shrivastava, Senior Advocate with Shri Rohishek Verma and Shri Vikas Dubey, Advocates

For Non-Applicant/State : Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****08.07.2021**

1. M.Cr.C. No. 2915 of 2021 has already been admitted for hearing.
2. Heard on M.Cr.C. No. 2998 of 2021.
3. Admit.
4. With the consent of learned counsel for the parties, the bail applications (M.Cr.C. No. 2915 of 2021 & M.Cr.C. No. 2998 of 2021) are heard finally.
5. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same Crime No. 36/2021 registered in Police Station- Podi, District Koriya (CG) for the offence punishable under Sections 420, 468, 409, 471 & 120B of IPC against

applicant Nand Kishore and Sections 420, 406, 468 & 471 of IPC against applicant Manish Kumar Mishra, they are being disposed of by this common order.

6. Prosecution case, in brief, is that a report was lodged by the Area Finance Manager, SECL, Chirmiri alleging that the applicants and co-accused Kailash Das have illegal withdrawal of Rs.38,09,471/- in favour applicant Manish Kumar Mishra who being the proprietor of firm namely M/s. Mahashakti Transport. Chirmiri. On inquiry made, it has been found that the applicants and co-accused have withdrawn a total amount of Rs.38,09,471/- by forgery.
7. Learned counsel for the applicants submits that the applicant have been falsely implicated in the crime in question. They submit that the applicants are in jail since 20.03.2021 and 27.03.2021, charge-sheet has been filed, and trial is likely to take some time for its final disposal, there is no likelihood of the applicants tampering with the prosecution evidence or absconding. Therefore, the applicants be released on bail by this Court. They further submit that co-accused namely Kailash Das has already been granted regular bail by the coordinate bench of this Court vide order dated 26.05.2021 passed in M.Cr.C. No. 2765 of 2021.
8. On the other hand, learned counsel for the Non-Applciant/State opposes the bail application.
9. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the detention period of the applicants who are 42 & 35 years old, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and charge-sheet has already been filed, due to covid-19 pandemic, conclusion of trial may take some time, further considering that initially applicant Nand Kishore has also been granted ad-interim bail by the coordinate bench of this Court vide order dated 22.04.2021 passed in

M.Cr.C. No. 2915 of 2021 & applicant Manish Kumar Mishra has also been granted ad-interim bail by this Court vide order dated 12.05.2021 passed in M.Cr.C. No. 2998 of 2021 and they did not misuse the liberty of ad-interim bail, that applicant Manish Kumar Mishra is suffering from renal colic disease and co-accused Kailash Das has already been granted regular bail by the coordinate bench of this Court, without commenting anything on merits of the case, the applications are allowed.

10. It is directed that in the event of each of the applicants namely Nand Kishore & Manish Kumar Mishra executing a personal bond for a sum of Rs.1,00,000/- with one surety of Rs.50,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail, on following conditions :-

- i. they 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/her from disclosing such fact to the Court.
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. they shall not involve themselves in any offence of similar nature in future.

11. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar nature of offence.

12. In result, M.Cr.C. No. 2915 of 2021 & M.Cr.C. No. 2998 of 2021 are allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge