

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3051 of 2021**

- Krishna Kumar S/o Gayaram Rathore, aged about 41 years, R/o Sivni, Police Station Champa, District Janjgir-Champa (Chhattisgarh)

---- Applicant**Versus**

- State Of Chhattisgarh Through- The Station House Officer, Police Station Kotwali, Janjgir, District Janjgir-Champa (Chhattisgarh)

---- Respondent**And****MCRC No. 3067 of 2021**

- Dineshwar Kashyap S/o Bodhram Kashyap, aged about 42 years, R/o Semra, Police Station Nawagarh, District Janjgir-Champa (Chhattisgarh)

---- Applicant**Versus**

- State Of Chhattisgarh Through- The Station House Officer, Police Station Kotwali, Janjgir, District Janjgir-Champa (Chhattisgarh)

---- Respondent

For Applicants	:	Mr. T.K. Jha, Advocate
For Respondent/State	:	Mr. Siddharth Dubey, Dy. G.A.
For Complainant	:	Mr. Prasoon Agrawal, Advocate.

Hon'ble Smt Justice Rajani Dubey**Order on Board****02/06/2021**

Proceeding through video conferencing.

1. Since the aforesaid bail applications arise out of the same crime number, they are being heard and decided by this common order.

2. The applicants have preferred these First bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.306/2020, registered at Police Station – Kotwali, Janjgir, District Janjgir-Champa (C.G.) for the offence punishable under Sections 408, 409, 418, 420 and 120-B IPC.
3. The prosecution story, in brief, is that complainant Akhilesh Kumar Singh, Marketing Development Manager of Insecticide India Limited, lodged a report at Police Station City Kotwali, Janjgir-Champa alleging therein that main accused namely R.S. Rathore and Gangasaga Panda (who are employee of the company) hatched a conspiracy with the dealers and other unknown persons and sold the insecticides below market rate and thereby earned wrongful gain and caused huge loss to the company. Based on this, offence has been registered. The present applicants have been taken into custody on 09.04.2021.
4. Learned counsel for the applicants submits that even if the entire prosecution case is taken as it is, present is a case of civil in nature, but they have wrongly implicated in the forgery case. He also submits that the applicants have paid the entire amount to the complainant, they have entered into compromise and have also executed a compromise deed in this regard (Annexure A/2) and, therefore, nothing remains for adjudication in this case. It is next submitted that the applicants are in jail since 09.04.2021, charge sheet has been filed and there is no likelihood of their case being decided in

near future. Therefore, they may be released on bail.

5. On the other hand, learned counsel for the State opposed the bail application.
6. Mr. Prasoon Agrawal, learned counsel for the complainant fairly submits that the parties have entered into compromise and they have also executed a compromise deed in this regard.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the totality of the facts and circumstances of the case, and further considering the fact that the parties have entered into compromise vide Annexure A/2, without further commenting on merits of the case, I am inclined to release the applicants on bail.
9. Accordingly, the bail applications are allowed.
10. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.50,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.
11. Interlocutory application for hearing the case during summer vacation stands disposed of.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Vacation Judge