

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****M.Cr.C. No. 3523 of 2021**

Pankaj Yadav, aged about 34 years S/o Late Gokul Yadav, Caste Yadav R/o Village Dongia (Portha) P.S. Sakti Tehsil Sakti, District Janjgir-Champa (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : the District Magistrate Janjgir-Champa, District Janjgir-Champa (C.G.)

---- State/Non-Applicant

For Applicant : Shri Shashank Singh Thakur, Advocate

For Non-Applicant/State : Dr. Veena Nair, Dy. Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****22/07/2021**

1. Heard.
2. The applicant has preferred this Second bail application under Section 439 of Cr.P.C. as he is in jail since 23/08/2020 in connection with Crime No. 43/2020 registered in Police Station- Sakti District, Janjgir-Champa (CG) for the offence punishable under Sections 409, 420, 467, 468, 471 and 34 of the IPC.
3. First bail application of the applicant was dismissed as withdrawn vide order dated 24/02/2021 passed in M.Cr.C No. 9140/2020 by this Court.
4. As per prosecution case, Complainant B.S. Nayak, District Registrar, Janjgir made a report in the police station alleging therein that on 14/11/2019 during inspection in the Sub Registrar Office, embezzlement of registration money of Rs. 50,09,159/- was found. It is alleged that the applicant along with other co-accused was involved in this crime.
5. Learned counsel for the applicant submits that the applicant has been falsely

implicated in the crime in question. The applicant was working in the said office on the post of Peon, and thus there is no involvement of the applicant in crime in question. He further submits that the applicant is in jail since 23/08/2020, he has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, charge-sheet has been filed and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

6. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that though the applicant was working on the post of peon in the said office, he was assigned specific work to deposit cash through challan and maintain the maintain the challan book, therefore, he is not entitled to grant bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case. Though the charge-sheet has been filed, looking to the specific duty assigned to the applicant to deposit the cash with Challan and to verify and maintain the challan book, and further looking to the fact that huge amount of Rs. 50,09,159/- has been embezzled by the applicant along with other official and the amount has not been still recovered, I am not inclined to release the applicant on bail.
9. Accordingly, the bail application is rejected.

Sd/-
(Gautam Chourdiya)
Judge