

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5703 of 2021

- Sanat Thakur, S/o Lt. Ram Singh Thakur, aged about 31 years, R/o New Tikrapara Ward No. 19, Khairagarh, Police Station & Tehsil- Khairagarh, District Rajnandgaon (C.G.) (applicant name Sanad wrongly mentioned in the impugned order)

---- Applicant

Versus

- State of Chhattisgarh, Through : P.S. Khairagarh, District Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Sanjay Agrawal, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate

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

25.08.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 18.07.2021 in connection with Crime No. 175/2021 registered in Police Station- Khairagarh, District Rajnandgaon (CG), for the offence punishable under Sections 407, 408, 409 & 120B of IPC.
2. As per prosecution case, complainant Bhupendra Saman is Manager in C.M.S. Info System Ltd and the said company appointed co-accused Akhilesh to collect the sale amount from liquor shops, but accused Akhilesh was not performing his work properly and the amount collected by him was not deposited in the bank regularly. Allegation is that accused Akhilesh alongwith another co-accused Karan Valmiki and the present applicant embezzled the sale consideration of government liquor shop.
3. Learned counsel for the applicant submits that the applicant has been falsely

implicated in the crime in question. He submits that the main accused Akhilesh is the employee of the said company who embezzled the government amount of Rs.31,20,800/-. He also submits applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 18.07.2021, charge has already been filed and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the nature of allegation made against the present applicant that he was using the money provided by accused Akhilesh who is employee of the said company for gaining interest, the detention period of the applicant who is 31 years old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and due to covid-19 pandemic, conclusion of trial may take some time, that offence is triable by Magistrate, without commenting anything on merits of the case, the application is allowed.
6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on 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/her 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. he shall not involve himself in any offence of similar nature in future.

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

Sd/-
(Gautam Chourdiya)
Judge

vatti