

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7300 of 2020

1. Jitendra Tiwari S/o Shri Nivas Tiwari, Aged About 34 Years, R/o Chanwaridand Ward No. 10, Police Station and Tahsil Manendragarh, District Korea (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Sonhat, District Korea (C.G.).

---- Respondent

For Applicant	: Shri Manoj Kumar Jaiswal, Advocate.
For Respondent/State	: Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

07/01/2021

- 1) The accused/applicant has moved this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No. 73/2019 registered at Police Station Sonhat, District Korea (C.G.) for the offence under Sections 409, 457, 380, 411 read with section 34 of IPC.
- 2) Case of the prosecution in brief is that the District Marketing Officer, Baikunthpur on receipt of information regarding shortage of food grains in Aadim Jati Sahkari Sewa Samiti, Sonhat, conducted inquiry in which total 753 bags of DAP fertilizers, worth Rs. 10,54,200/- and 6 bags of IFFCO N.P.K., worth Rs. 8,100/- i.e. total Rs. 10,62,300/- were found short. During investigation it was found that the present applicant alongwith other co-accused sold goods of the said Samiti to co-accused Subhash Agrawal. On report being lodged to the above effect, offence under the aforesaid section has been registered against the applicant.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He further submits that similarly situated co-accused persons have already been granted bail in MCRC No. 6136/2019 (Md. Shabbir S/o Md. Islam), MCRC No. 6524/2019 (Jaiprakash S/o Shyamlal anika & Dijendra Singh S/o Bahadur Singh) and MCRC No. 6285/2019 (Motilal S/o Dhansai & Nandlal Yadav S/o Ramjit Yadav). The applicant is in jail since 11/09/2020, there is no likelihood of his case being decided in near future, therefore, the present applicant be released on bail.
- 4) On the other hand, counsel for the State opposes the bail application.
- 5) I have heard learned counsel for the parties and perused the case dairy.
- 6) Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant and further considering the facts that other co-accused persons have already been granted bail in MCRC No. 6136/2019, MCRC No. 6524/2019 & MCRC No. 6285/2019 by the Co-ordinate Bench of this Court, and the present applicant is in jail since 11/09/2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
- 7) Accused/applicant to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the Trial Court. He is directed to appear before the Trial Court on each and every date given to him by the said Court.

-Sd/-
(Gautam Chourdiya)
Judge