

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8536 of 2020**

- Suraj Kumar Yadav, S/o Pramod Yadav, Aged About 29 Years, R/o Village Newarikala, Tahsil & District Balod Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, Balod, District Balod Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rajendra Tripathi, Adv.
For Respondent/State	: Mr. Devesh Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.03.2021**

1. The accused/applicant has moved this **first bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 288/2019 registered at Police Station- Balod, District- Balod, (C.G.) for the offence punishable under Section 409 of IPC.
2. The prosecution story, in brief is that, during the period between 01.03.2021 and 26.06.2014, the applicant posted as postmaster at Post Office Newarikala Balod, has embezzled a total sum of Rs.3,50,005/- from many account holders of saving accounts and used the amount for his personal use. Thereafter, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that offence is triable by Judicial Magistrate First Class and the applicant is in jail since 04.08.2020, charge-sheet has already been filed and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the huge amount of money has been embezzled by the applicant and the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that offence is triable by Judicial Magistrate First Class and the applicant is in jail since 04.08.2020 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 is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local 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/-
(Rajani Dubey)
Judge

Ruchi