

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9253 of 2020

- Kuleshwar Baghel S/o Makhan Baghel Aged About 40 Years R/o Ward No. 18, Shikaripara Balod, Police Station And Tehsil Balod, District Balod, Chhattisgarh, District : Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Balod, District Balod, Chhattisgarh, District : Balod, Chhattisgarh

--Non-Applicant

For Applicant	: Shri Prasoon Agrawal, Advocate
For Non-Applicant/State	: Shri Amit Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01/03/2021

1. The applicant has preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 12.9.2020 in connection with Crime No.81/2019, registered at Police Station-Balod, District -Balod(CG) for the offence punishable under Section 409 of the IPC.
2. Case of the prosecution is that the applicant was posted as Assistant Grade-II at Govt. Ghanshyam Singh Gupt P.G.College, Balod and was performing the office work. It is alleged that the applicant has not deposited the fee obtained from the students in the concerned Bank and embezzled the amount of Rs.09,07,205/- A report was lodged and the applicant he was taken into custody.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and he has not committed any offence. He submits that the due to some reasons the applicant could not deposit the money in time. He further submits that there is no criminal antecedent against the applicant and the applicant is in jail since 12.9.2020 and conclusion of trial

is likely to take some time, therefore, the applicant may be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. However, he submits that there is no criminal antecedent against the applicant.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and further considering the age and detention period of the applicant; the offence is triable by Magistrate; charge sheet has been filed and there is no criminal antecedent against the applicant; and conclusion of the trial may take some time, without further commenting on merits, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed.
6. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on the following conditions:-
7. (a) 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 from disclosing such fact to the Court.
(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
(d) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this Court.

Sd/-

(Gautam Chourdiya)
Judge