

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9179 of 2020

- Ambu Abhishek Khalkho S/o A.P. Khalkho, Aged About 37 Years R/o Sada Colony, P.S. Balko Nagar, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through The Out-Post C.S.E.B., Station House Officer, P.S. Kotwali, District Korba Chhattisgarh, District : Korba, Chhattisgarh

--Non-Applicant

For Applicant	: Shri Shailendra Dubey, Advocate
For Non-Applicant/State	: Ms. Veena Nair, Dy. A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

28.01.2021

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 9.11.2020 in connection with Crime No.519/2020, registered at Police Station- Out-post CSEB, P.S. Kotwali, District Korba(C.G.) for the offence punishable under Sections 406, 34 of the IPC.
3. Case of the prosecution is that the applicant, who is running a business of transporting the material from one place to another, on 15.5.2020 loaded 26 tons of coal in trailer bearing No.CG-11AB 7702 from SECL Gevra Project to deliver the same to DB power limited Baradara, but he did not deliver it to DB power limited Baradara and sold the material to some other place due to which the company bear loss of Rs.1,75,000/-.
4. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that yet charge sheet has not been filed and no offence is made out against the

applicant. He submits that the offence is triable by Magistrate and the applicant is in jail since 9.11.2020 and conclusion of trial is likely to take some time, therefore, at this stage, he may be granted bail.

5. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail.
6. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the nature of allegations against the applicant; the detention period and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of the 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:-
 - (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