

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9474 of 2020

1. Kamlesh Pandey & Anr. S/o Late Devi Prasad Pandey Aged About 28 Years R/o Indira Nagar, Ward No. 13, Pamgarh, P.S. Pamgarh District Janjgir Champa Chhattisgarh.
 2. Ravi Pandey S/o Late Devi Prasad Pandey Aged About 36 Years R/o Indira Nagar, Ward No. 13, Pamgarh, P.S. Pamgarh District Janjgir Champa Chhattisgarh.
- Applicants**

Versus

- State Of Chhattisgarh Through S.H.O. Mahasamund District Mahasamund Chhattisgarh.
- Non-Applicant/State**

For Applicants	:	Shri Hemant Gupta, Advocate
For Non-Applicant/State	:	Shri Vaibhav Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03.02.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested on 04.12.2020 in connection with Crime No. 682/2020, at Police Station- Mahasamund, District- Mahasamund (C.G.) for the offence punishable under Section 406 and 34 of I.P.C.
2. The allegation against the applicants is that they are working in the liquor shop i.e. *Deshi Madira Dukan*. The applicants have committed breach of trust by taking away the amount of sold liquor i.e. Rs. 10,76,180/- in the name of depositing it in the bank. On report being lodged to the above effect, offence under aforesaid Section have been registered against the present applicants.
3. Learned counsel for the applicant submits that the allegations against the applicants are false and fabricated, they are falsely

implicated in the case. He further submits that applicants are in jail since 04.12.2020, maximum sentence for aforesaid offence is three years, applicants/accused have no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, they may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicants have no criminal antecedents and charge-sheet has been filed.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation , detention period of the applicants, the fact that the applicants have no criminal antecedents, charge-sheet has been filed as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, the application is allowed. It is directed that in the event of each of the applicants 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, they shall be released on bail on following conditions:-

(a) they 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 them from disclosing such fact to the Court.

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim