

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8735 of 2021

Satyendra Kumar Vaishnav S/o Jagatpal Das Vaishnav Aged About 29 Years R/o Village Khairjhiti, P.S. And Tahsil Dhamdha, District : Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Rajnandgaon, District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Rakesh Pandey, Advocate
For Respondent – State	:	Smt. Reena Singh, PL for the State

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

16.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.337/2021, registered at Police Station Khairagarh, District – Rajnandgaon (CG) for the offence punishable under Section 406 of the IPC.
2. As per the prosecution case, the complainant namely Gopal Kishan Gupta has lodged a written complaint that from 01.09.2021 to 07.09.2021 the present applicant misappropriated the amount of Rs. 4,14,686/- while being entrusted to him in his official capacity as the employee of Delivery Private Limited, Amlipara Branch, Khairagarh. On such complaint the FIR has been registered against the applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and he is falsely implicated in the present case. He further submits that the

applicant was arrested on 08.09.2020 and presently he is on interim bail and has not misused his liberty and he is a permanent resident of Chhattisgarh State, the offence is triable by JMFC and trial is likely to take some time, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering that the presently applicant is on temporary bail due to Covid-19 pandemic and he has not misused his liberty and further that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the offence is triable by JMFC and conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the 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.

Sd/-

(Deepak Kumar Tiwari)
Judge