IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 575 of 2024

BETWEEN:-

ARUN PATEL S/O DEEWAN SINGH PAL, AGED ABOUT 30 YEARS, R/O BEHORIPAR POLICE STATION STATIONGANJ, DISTRICT NARSINGHPUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI ANKIT CHOPRA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH STATION HOUSE OFFICER POLICE STATION KOTWALI DISTRICT NARSINGHPUR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI PRADEEP GUPTA - GOVERNMENT ADVOCATE)

MISC. CRIMINAL CASE No. 343 of 2024

BETWEEN:-

ANIL CHADHAR S/O SHR PRAKASH CHADHAR, AGED ABOUT 25 YEARS, OCCUPATION: BUSINESS RESIDENT OF MUSHRAN WARD SANKAL ROAD KANDELI TAHSIL AND DISTRICT NARSINGHPUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI MANISH DATT - SENIOR ADVOCATE WITH SHRI PRATEEK TIWARI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION KOTWALI DISTRICT NARSINGHPUR (MADHYA PRADESH)

.....RESPONDENTS

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Signing time: 2/3/2024 11:48:07 AM

(BY SHRI PRADEEP GUPTA - GOVERNMENT ADVOCATE)

These applications coming on for admission this day, the court passed the following:

ORDER

These are the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail relating to FIR No.789/2022, dated 11.10.2022, registered at Police Station-Kotwali, District - Narsinghpur (M.P.) for commission of offence punishable under Section 420, 467, 468, 471, 409, 120-B of IPC. Applicant is in detention since 13.12.2023.

2. As per the prosecution story, Atul Kale was posted as a Peon in Labour Court. His duty was to get the order sheets and other papers signed from the Presiding Officer. He was also assigned the work of taking bank related documents and correspondence to the bank. On 26.04.2022, one letter signed by the Presiding Officer was received but there was no mention of the same in Dispatch Register of the Court. It was found that Atul Kale who was entrusted with bank related work has embezzled a large amount worth Rs.20,00,000/-. When his explanation was sought, he confessed everything in writing and assured to deposit the entire embezzled amount. In investigation, it was found that he has transferred some embezzled money in the accounts of present applicants.

3. Learned counsel for the applicants have submitted that applicants are not the main accused. They had borrowed the money from the main accused in covid period as they were facing financial crises. Atul Kale had transferred some money in their account as loan amount. They have nothing to do with the defalcation of money by Atul Kale. Therefore, it is prayed that the applicants may be released on bail pending the trial.

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4. On the other hand, learned counsel for the State has opposed the prayer for grant of bail to the applicants.

5. In this case main allegations are against Atul Kale. Therefore, having taken into consideration the totality of allegations against the present applicants and other facts and circumstances of the case, including the fact that final conclusion of trial of the case will take considerable time, but without expressing anything on the merits of the case, I am of the view that it is a case in which further pre-trial detention of the applicants is not warranted. Consequently, these bail applications under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicants, stands **allowed.**

6. It is directed that **applicants - Arun Patel and Anil Chadhar** be released on bail on their furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only) each** with one solvent surety each in the like amount to the satisfaction of the trial Court, for their regular appearance before the trial Court during trial with a condition that they shall remain present before the concerned Court on all the dates fixed by it during trial. They shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

7. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(DINESH KUMAR PALIWAL)
JUDGE

Jasleen

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