

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. NO. 2944 of 2015**

Jitendra Shrivastava, S/o Late Dinesh Kumar aged about 48 years, R/o Vrindavan Colony, P.S. Bodhghat, Jagdalpur, District Bastar (C.G.)

---Applicant**Versus**

State of Chhattisgarh through Station House Officer Police Station Bodhghat, Jagdalpur, District Bastar (C.G.)

---Non-applicant

For Applicant	:	Mr. Abhishek Sinha, Advocate
For Non-applicant	:	Mr. Ramakant Mishra, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****30/06/2015**

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 applicant who has been arrested in connection with Crime No. 44/2015, registered at Police Station Bodhghat, Jagdalpur, District Bastar (C.G.), for the offence punishable under Sections 420, 409 read with 34 of IPC.

2. Case of the prosecution, in brief, is that, present applicant- Jitendra Shrivastava is sub broker of Karvy Stock Broking at Jagdalpur. The complainant- Smt. Radha Atwaiya opened a demat account for share trading and made payment through account payee cheques and cash of Rs.9,00,000/- for investment to secure interest at high rates on the said amount and against which, applicant issued number of cheques in favour of complainant and it is alleged that even those cheques given to the complainant, cheques of total amount of Rs.5,00,000/- bounced. Thereafter, some cash amount was given and another cheque of Rs1,25,000/- was

issued by the applicant and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that amount of Rs. 25,000/- in cash has been paid and a cheque of Rs.1,25,000/- has already been given to the complainant. He would further submit that his wife- Rupali Shrivastava has already been enlarged on anticipatory bail in M.Cr.C.(A) No.239/2015 on 29/04/2015 by Co-ordinate Bench of this Court. He would lastly submit that it is a civil dispute between the parties, applicant is in jail since 26/02/2015 and charge sheet has been filed, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that two cases have been registered against the present applicant and looking to the material collected by the prosecution, he is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; transaction took place between the parties; charge sheet has been filed and applicant is in jail since 26/02/2015, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the

satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**

Tiwari