

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7168 of 2015

Nilkanth Patel, S/o. Shri Bharat Lal Patel, Aged about 26 years,
R/o.- Village Kuruskera, Post Sursabandha, Tahsil Rajim, District
Gariyabandh (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Arang, District Raipur
(C.G.)

---- Respondent

For Applicant	:-	Mr. Mohammad Afroz Athar, Advocate
For Respondent/ State	:-	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

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. 264/2015 registered at Police Station- Arang, District – Raipur (C.G.) for the offence punishable under Sections 420 of IPC.
2. Case of the prosecution, in brief, is that the complainant Tiharu Ram Sahu lodged a report that the applicant promised him to double the money by investing in the share market and he received an amount of Rs. 2 lakhs so as to invest the same on the share market and a cheque of Rs. 4 lakhs was given by the complainant on 08.12.2014. However, the amount was not returned by the applicant therefore, the forgery has been committed.
3. Counsel for the applicant submits that the amount of Rs. 2 lakhs which was given by the complainant to the applicant was invested

in the share market and the five years period has not lapsed; therefore, it can not be stated that before expiry of five years the obligation of payment arises. He further submits that it is a case of civil nature and the applicant is in jail since 09.08.2015; therefore, he may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the fact that the charge-sheet in this case has been filed and considering the nature of transaction and the submission made by the applicant the liability arises after five years and has admitted the liability for the cheque issued in favour of the complainant and further taking the fact that all the evidence are documentary in nature and further considering the detention of the applicant as he is in jail since 09.08.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Goutam Bhaduri)
Judge