

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2357 of 2016

Nikhil Vaishnav, aged about 24 years, S/o Shri Rajeshwar Das Vaishnav, R/o Tulsipur, Police Station Kotwali, District Rajnandgaon (C.G.). Permanent R/o Village Litia, Tahsil & District Rajnandgaon (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through the District Magistrate, Bemetara (C.G.)

---- Non-applicant

For Applicant:	Mr. P.K.C. Tiwari, Senior Advocate with Mr. Kripesh G. Kela, Advocate.
For Non-applicant:	Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/05/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.774/2015, registered at Police Station Bemetara, Distt. Bemetara, for the offence punishable under Section 379, 420, 467, 468, 471, 120B and 413 of the IPC.
2. Case of the prosecution, in brief, is that the present applicant in conspiracy with co-accused Anil Shrivastava and Md. Aarif Khan purchased one JCB machine in October, 2014 which was financed by M/s. Magma Finance Company, Bhilai. The accused persons thereafter, changed the chassis number of the JCB machine and sold it to one Anil Verma. When the applicant stopped paying installments to the Finance Company, complaint was lodged with the police and thereafter, it was discovered that cheating and concoction of record / chassis number has been done to defraud the Finance Company.
3. Learned Senior Counsel for the applicant would submit that in a similar case, the applicant has already been released on bail in

M.Cr.C.No.7414/2015 by a coordinate Bench of this Court vide order dated 5-1-2016. In the present case, the applicant is in jail since 26-12-2015 and the offences are triable by Judicial Magistrate First Class.

4. Learned State counsel would oppose the prayer for grant of bail to the applicant.
5. Considering the entirety of the circumstances, particularly the length of pretrial detention and for the fact that the offences are triable by Judicial Magistrate First Class, this Court is inclined to grant bail to the applicant, subject however, to the following conditions. Accordingly, the application is allowed.

1. It is directed that in the event of applicant's executing a personal bond for a sum of **Rs.2,00,000/- with two local sureties** for the like amount to the satisfaction of the trial Court concerned, he shall be released on bail. He is directed to appear before the trial Court on each and every date given by the said Court.
2. The applicant shall report before the concerned police station at 11 a.m. every Monday during the pendency of trial.

Sd/-
Vacation Judge
(Prashant Kumar Mishra)