

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.6312 of 2015

Tokhram, S/o Ramji, aged about 39 years, R/o Village Kesla, P.S. Shiorinarayan, District Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the District Magistrate, Janjgir, Police Station Shiorinarayan, District Janjgir-Champa (C.G.)

---- Non-applicant

For Applicant:	Mr. Manoj Paranjpe, Advocate.
For Non-applicant:	Mr. Neeraj Kumar Sharma, Deputy Govt. Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/02/2016

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.184/2015, registered at Police Station Sheorinarayan, Distt. Janjgir-Champa, for the offence punishable under Section 420 of the IPC.
2. Case of the prosecution, in brief, is that in the year 2009, complainant Moolchand Sahu deposited Rs.1,35,000/- to the applicant, Agent of Fine India Company, in order to make the amount double and for getting interest against which he was only returned Rs.25,000/- and remaining amount was not returned.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, he was only the agent of Fine India Company and immediately after receipt of the said amount, the said amount has been deposited in the account of Fine India Company and the said document has already been seized and exhibited in the Court as

Ex.P-5. The complainant had already received the amount of Rs.25,000/-, there is no cheating and the applicant had not misappropriated the amount as it has been duly deposited in the account of Fine India Company for which the complainant had already received interest. The applicant is in jail since 23-8-2015 and charge-sheet has been filed. The prosecution evidence had already started and no useful purpose will be served by detaining the applicant in jail.

4. On the other hand, learned State counsel opposes the application by stating that the applicant had obtained Rs.1,35,000/- but has not returned the same, he returned Rs.25,000/- only.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant, evidence available in the case diary, pretrial detention of the applicant, charge-sheet has been filed and that the amount was deposited with Fine India Company of which the applicant is said to be the Agent, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge