

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 731 of 2018**

Niyaj Dabir, S/o Badruddin Dabir, Aged about 35 years, R/o Baikula Dakyard Road, Mumbai - Maharashtra

---- Applicant**Versus**

State of Chhattisgarh, Through : the Station House Officer, Police Station – Kanker, Civil & Revenue District Kanker (C.G.)

---- Non-applicant

For Applicant	:	Mr. B.M. Roy, Advocate.
For Non-applicant/State	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/04/18**

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.335/2017 registered at Police Station Kanker (C.G.) for the offence punishable under Section 420 of the Indian Penal Code.
2. Case of the prosecution in brief is that the applicant obtained Rs.7,20,000/- to provide Colour Printing Machine but did not provide the same and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence, he has been falsely implicated in crime in question. The complainant has not deposited the entire amount, therefore, the aforesaid machine could not be provided. The applicant is in custody

since 11-11-2017, charge-sheet has already been filed and no useful purpose will be served by detaining him in jail, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State while opposing the bail application would submit that even after obtaining the amount from the complainant the applicant could not provide the printing machine thereby complainant has been cheated.

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 the offence, and the applicant mis-appropriated the amount, I do not consider it a fit case for grant of regular bail to the applicant. Accordingly, the bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge