

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7639 of 2017**

Krishna Mishra S/o Late Vyas Mishra Aged About 50 Years R/o House No. C-35 Sawitri Nagar Raigarh Distt. Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station City Kotwali, Distt. Raigarh Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sanjay Agrawal, Advocate.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.02.2018**

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.687 of 2016, registered at Police Station City Kotwali, District – Raigarh, Chhattisgarh for the offence punishable under Sections 420 and 212/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.1.2017 and he has been falsely implicated in this case only for the reason that he is the husband of main accused - Sudha Mishra. On the basis of the material present in the case-diary, there is no specific allegation against the applicant that he cheated the complainant or any other woman, the member of the said women society. The trial against the applicant has not made any progress and so far only one witness has been examined

before the trial Court. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the wife of the applicant on pretext of paying attractive interest, had in the course of five years collected from 30-35 women of the Society, an amount to the tune of Rs.2,18,94,000/- and also gold ornaments from them. Subsequent to that, main accused - Sudha Mishra and this applicant left their address and went in hiding because of which, the FIR was lodged. The applicant has stated in his memorandum statement that he made use of the amount collected by his wife – Sudha Mishra. Hence, no case is made for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the investigation, the evidence i.e. legally admissible in this case is only that he has helped main accused – Sudha Mishra to change the location and go in hiding to defraud the creditors. Hence, looking to the nature of the allegation against applicant and he is in jail since 22.1.2017, I am of the opinion that the present is a fit case where the applicant is entitled to be released on regular bail.

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

7. It is directed that the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge