

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5631 of 2018**

- Gaurishankar Patel S/o Sunder Lal Patel Aged About 36 Years Caste-Aghariya, R/o- Village And Post Tarkela, Tahsil And District- Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through- Police Station City Kotwali, District-Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Rajesh Jain, Advocate.

For Non-applicant : Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****28.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 33/2017 registered at Police Station – City Kotwali, District – Raigarh (C.G.) for the offence punishable under Sections 420, 120-B of the Indian Penal Code and Sections 06/10 of the Chhattisgarh Ke Nikshepakon Ke Hiton Ka Sanrakshan Act, 2015.
3. Case of the prosecution, in brief is that applicant and co-accused Sita Ram Kushwaha on behalf of Ambedkar Real Estate Limited have allured the complainants, deposited their amount with a promise to return its double amount and received Rs. 6,00,000/- from them. Thereafter, no clue about the

existence of the company.

4. The applicant is in custody since 27.05.2018.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
7. As per the true copy of the order of the coordinate Bench dated 18.10.2016 passed in MCRC No. 5188 of 2016, applicant was released on bail on the ground that he was an employee of the company and he has not taken policy decision and only obeyed the instruction on behalf of the company.
8. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
10. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.30,000/- each along with a personal bond of Rs. 60,000/- to the satisfaction of the concerned Trial Court with the condition that in future, he would not involve in such type of crime and he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE