

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 154 of 2019**

- Ashish Kumar S/o Radheshyam Tandon, Aged About 34 Years R/o Village- Chauwha, Police Chowky- Malhar, Police Station- Masturi, and District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Its Police Station- Masturi, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ravi Maheshwari, Advocate.
For Respondent/State	: Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/02/2019

- The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 528/2018, registered at Police Station – Masturi, Civil & Revenue District - Bilaspur, (C.G.) for the offence punishable under Section 420 read with 34 of the Indian Penal Code.
- In this case, one Smt. Sukrita Bai is the President of “Maa Sharda Self Help Group” and co-accused Smt. Sharda Tandan is the Secretary of the said Group. Present Applicant is the husband of co-accused Smt. Sharda Tandan. As per the prosecution story, the present Applicant collected Rs, 10,000/- each from Smt. Sukrita Bai and from eleven other members total Rs. 1,20,000/- and did not deposit the said amount in their Bank Accounts. Later on when it came to knowledge of Smt. Sukrita Bai, she demanded to return the said money but the Applicant refused to do so. On the basis of the said, report was lodged by the Complainant Smt. Sukrita Bai and offence has been registered against the present Applicant as well as Smt. Sharda. The Applicant

has been taken into custody on 31.10.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some previous enmity. He further states that co-accused Smt. Sharda Tandan has already been granted anticipatory bail by the Trial Court. He also submits that charge-sheet has been filed, Applicant is in custody since 31.10.2018 and trial will take time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant has no previous criminal antecedents, he is in custody since 31.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge