

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.612 of 2019**

Dharmendra Kumar, aged about 33 years, S/o Chandrakant Prasad, R/o village Mirchak, Post and Tahsil Mousama, Police Station Varish Linganj, District Nawada Bihar.

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Tendukona, Mahasamund (CG).

---- Non-applicant

For Applicant : Mr. Sudeep Johri, Advocate.
For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****13.02.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.101/2018 registered in Police Station Thana Tendukona, Mahasamund for the offence punishable under Section 420 of Indian Penal Code.
3. Prosecution story in brief is that the applicant was telling his name Ajit Singh and obtained Rs.3,58,424/- from complainant Supendra Deewan for opening Lok Sewa Kendra at village Bhurponi. On the memorandum of the applicant, one Laptop, three ATM cards, four bills, Adhar card, PAN card, four mobile hand sets and cash Rs.39,700/- had been seized from him.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the bail application. He submitted that one case of similar type has already been registered against the applicant.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant. Accordingly, the bail application is allowed.
7. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he shall not commit such type of offence in future.
8. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-