

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1497 of 2019**

Manish Nigam, S/o. Brijesh Kumar Nigam, Aged About 30 Years, R/o. Luvkush Nagar, Police Station and Tehsil - Lavkush Nagar, District Chatarpur Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station - Gandhi Nagar, Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rohit Sharma, Advocate
For State/respondent	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/03/2019**

1. This is the third 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.60/2014, registered at Police Station – Gandhinagar, District – Surguja (C.G.), for the offence punishable under Section 420, 34 of the Indian Penal Code. The first bail application was dismissed for want of prosecution on 17.01.2018 in M.Cr.C. No.7318/2017 and the second bail application was again dismissed for want of prosecution on 13.07.2018 in M.Cr.C. No.2156/2018.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present on record. The applicant was director of the Renatuss Credit Cooperative Society Ltd., which was registered under the Society Registration Act and bye-laws of the said society permitted taking investment from the members

of the society. Accordingly investment were received but as the applicant could not timely make repayments, false FIR has been lodged against the applicant by one of its member complainant Anand Prakash Agrawal. The applicant is in jail since 20.10.2015. The applicant has been benefited with grant of bail in similar other case registered under Crime No.76/2014 by order of this Court. Therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that looking to the evidence present that huge amount has been defalcated by the applicant and others in this case, therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Complainant Anand Prakash Agrawal lodged FIR on 12.02.2013 that society aforementioned gave inducement to public for making investments in the society promising that the same will be returned with higher interest rate. A number of persons made deposits and lost to the society. The office bearers of the society have also made false statements regarding their investments and their bank deposit. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and looking to the length of detention the applicant has undergone in jail so far and also looking to the delay in conclusion of trial in this case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram