

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2636 of 2019

Manish Nigam S/o Brijesh Nigam Aged About 31 Years R/o Luvkush
Nagar, Chhatarpur, District : Chhatarpur, Madhya Pradesh

--- Petitioner

Versus

State of Chhattisgarh through the Station House Officer, Police
Station - Tarbahar, District Bilaspur Chhattisgarh., District : Bilaspur,
Chhattisgarh

--- Respondent

For the applicant	:	Mr. Rohit Sharma, Advocate.
For the Respondent	:	Mr. Amit Singh, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.05.2019

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 112/2014 registered at Police Station Tarbahar, Distt. Bilaspur (C.G) for the offences punishable under Sections 406, 420, 34 of IPC.
2. As per the prosecution case, a report was made by one Abhishek Dubey that he was approached by the present applicant along-with others saying that they were running Renatuss Credit Co-operative Society Ltd (C.G) and the present applicant is the President of Mahima Trade Centre and asked to deposit Rs.18 lakhs in the fixed deposit so that the amount would be paid with high rate of interest after six months. Accordingly, Rs.18 lakhs was deposited and post dated cheques of Rs.18,76,000/- were given to the

complainant. Subsequently, when the date of maturity came on 04.04.2014 it was revealed that the said Co-operative Society and Trade Center have been closed and the applicant has fled away along with others.

3. Learned counsel for the applicant submits that it is out and out dispute of monetary transaction between the parties and the applicant is in jail since 15.10.2015 and he has already undergone more than half of the jail sentence as against the punishment prescribed in sections 406 & 420/34 of IPC. He further submits that so far only 4 to 5 witnesses have been examined and the delay in trial cannot be attributed to the applicant. He prays that looking to the period of custody of the applicant, the applicant may be enlarged on bail.
 4. Per contra, learned State Counsel opposes the bail application.
 5. Considering the nature of allegations against the applicant as also looking to the period of custody of the applicant as he is stated to be in jail since 15.10.2015, at this stage, I am inclined to allow the bail application.
 6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE