

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2398 of 2019

- Ashwani Tripathi, S/o Late Prakash Narayan Tripathi, aged about 48 years, R/o Katulboard, near Sai Nagar, Chowki Smriti Nagar, P.S. Supela Bhilai, Tahsil and District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through The District Magistrate Durg, District-Durg (C.G.)

---- Respondent

For Applicant : Mr. C.P. Soni , Advocate.

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/05/2019

1. 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. 348/2018, registered at Police Station – Mohan Nagar, District- Durg (C.G.) for the offence punishable under Section 420 of the IPC.
2. As per the prosecution story, on 26.10.2017, a written complainant has been lodged by the complainant of the case namely Janki Bai alleging therein that the applicant obtained Rs. 30,000/- from the complainant by assuring her for providing a job but, neither he provided any job nor he returned her money. On the basis of said complainant, offence has been registered. During course of investigation, the applicant has been arrested on 09.02.2019.
3. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the incident had taken place on 20.05.2015 and

after 2 ½ years FIR has been lodged, there is no evidence available on record regarding money transaction of Rs. 30,000/-, the applicant is in custody since 09.02.2019 and trial is likely to take some 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 is in custody since 09.02.2019 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. 25,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge