

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3084 of 2019

Ajay Kumar Yadav S/o Shri Umeshwar Ram Yadav Aged About 32 Years R/o Village - Abira (Gaduamunda), Police Station Tapkara, Tahsil - Farsabahr, Civil and Revenue District Jashpur Chhattisgarh. At Present - Central Jail Bilaspur, Civil and Revenue District Bilaspur Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh through the Station House Officer, Police Station Tarbahar, Bilaspur, Civil and Revenue District Bilaspur Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Parasmani Shrivastava, Advocate
For the Respondent	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.05.2019

1. This is first 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, Bilaspur, District Bilaspur (C.G) for the offence punishable under Sections 406 & 420/34 of IPC.
2. As per the prosecution case, a complaint was filed by one Abhishek Dubey that the present applicant and other accused approached him saying that they were running Renatuss Credit Cooperative Society Ltd and also Mahima Trade center and allured that if the money is deposited in their Society/Company the amount will be returned with high rate of interest within a short period and at the instance of the applicant and other accused, the complainant deposited Rs.18 lakhs in the Company of Renatuss Credit

Cooperative Society and on such deposit being made, the Post Dated Cheques of Rs.18,76,000/- were given to the complainant. Subsequently when the maturity date came on 04.04.2014, the amount has not been paid and it was found that the said Society & Trade Center have been closed and the applicant along with other has fled away.

3. Learned counsel for the applicant would submit that it is an out and out dispute of monetary transaction between the parties and the applicant was merely an employee and he is already in jail since 07.12.2016. It is stated that so far only 4 to 5 witnesses have been examined and the delay in trial cannot be attributed to the present applicant. It is prayed that looking to the period of custody, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Considering the nature of allegations against the applicant and the fact that the applicant is in jail since 07.12.2016 and there is delay in trial which cannot be attributed to the applicant, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on 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**