

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3378 of 2019**

- Ashish Kumar @ Solomon Denial, S/o Denial Aarlend, Aged About 22 Years, R/o House No. LIG 532, Padmanabhpur, Durg, Police Station & District - Durg (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Gurur, District- Balod (C.G.).

---- Respondent

For Applicant	: Shri Avinash Chand Sahu, Adv.
For Respondent/State	: Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.12.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 810/2016 registered at Police Station Gurur, District- Balod (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 473, 120-B of I.P.C.
2. The prosecution story, in brief is that, the present applicant along with other co-accused has received amount of Rs. 4,45,000/- from the complainant in order to provide job but no service was ever provided and a forged appointment letter was given to him and the investigation is carried out and charge sheet was filed. Thereafter, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that co-accused has already been granted bail in M.Cr.C. No. 6390/2017 vide order dated 01.11.2017. The offence has been triable by the Judicial Magistrate First Class. The

applicant is in jail since 08.11.2016, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the offence has been triable by the Judicial Magistrate First Class. The applicant is in jail since 08.11.2016 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**