

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4160 of 2019**

- Sourabh Agrawal S/o Saras Kumar Agrawal, Aged About 34 Years R/o Sadak No. 2, House No. 21, Jawahar Nagar, Durg, District Durg, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh Through District Magistrate Durg, District Durg, Chhattisgarh.

**---- Respondent**

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For Applicant : Shri T.K. Jha, Advocate.  
For Respondent/State : Shri Anand Verma, Dy. G.A.

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board****04/09/2019**

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. 415/2019, registered at Police Station – City Kotwali, Durg, District - Durg, (C.G.) for the offence punishable under Section 420, 34 of IPC.
2. In this case there are total two accused persons. As per the prosecution story, present Applicant and co-accused namely Anup Pandey were running Sarva Seva Samarpan Seva Samiti. It is alleged that present Applicant and co-accused allured some of the investors to invest money in the said company. Allegedly, about Rs. 20 Lacs have been misappropriated by accused persons. It is alleged that co-accused Anup Pandey gave cheques to some of the Investors which were dishonoured by the bank, thereafter, some Investors filed complaint under Section 138 of Negotiable Instrument Act against co-accused Anup Pandey. On the above background, report was made by the Complainant and on the basis of the said, offence has been

registered. Applicant has been arrested on 30.04.2019.

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, *prima facie*, no offence can be made out against the Applicant as there is nothing on record which shows that allurements were done by the present Applicant. It is further submitted that Investors have given their money to co-accused Anup Pandey and he returned the money through cheques to some of the Investors. Present Applicant has no previous antecedents, he is in custody since 30.04.2019, charge-sheet has been filed 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.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant has no previous antecedent, he is in custody since 30.04.2019, charge-sheet has been filed and trial is likely to take some time, without further commenting on other 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. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-  
**(Arvind Singh Chandel)**  
Judge