

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5765 of 2019**

- Poonam Jain S/o Sumermal Jain, aged about 30 years, R/o village – Pandariya, Police Station – Chhuikhadan, District – Rajnandgaon (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station – Sahaspur Lohara, District Kabirdham (C.G.).

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For Respondent	:	Shri Anurag Verma, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****07/11/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.118/2019, registered at Police Station – Sahaspur Lohara, District Kabirdham (C.G.) for the offence punishable under Section 420 IPC.
2. The prosecution story, in brief, is that complainant Badru Patel lodged a report alleging therein that he sold the crop (gram, wheat, rahar, Lakhdi and Urda etc.) sown in his 16 acres field to the applicant for Rs.6,03,150/-, in which the applicant assured the complainant in writing to give the amount, but the application did not pay full amount to the complainant and tried to linger on the matter. Further case is that, the applicant also cheated other farmers in the same manner. Based on this report, offence has been registered. Present applicant has been taken into custody on 01.08.2019.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that the applicant is grain merchant and sold the crops to the trader in market but he did not receive the money from them, therefore, he could not make payment to the complainant. He also submits that the present applicant is in custody since 01.08.2019, charge sheet has not been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, and further considering the fact that the applicant is in custody since 01.08.2019 and the 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 his 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/-

(Rajani Dubey)
Judge