

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6647 of 2019**

Kuldeep Narayan Sahu, S/o. Late Yashwant Kumar Sahu, Aged About 30 Years, R/o. Qtr. No. 2-C, Sadak No. 14, Sector 08, Bhilai, Tahsil and District -Durg Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police of Police Station, Newai, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Ms. Akanchha Jain, Dy. G.A.
Complainants	: Smt. Devanti Soni, Mr. Ashok Prasad Soni, Mr. Amit Prasad Soni & Smt. Nisha Soni are present in person.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**14/10/2019**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.115/2019, registered at Police Station – Newai, District – Durg (C.G.) for the offence punishable under Section 420, 409, 467, 468, 471, 201 of the Indian Penal Code. The first bail application of the applicant was dismissed as withdrawn vide order dated 24.09.2019 in M.Cr.C. No. 5551/2019.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 03.05.2019. The applicant has entered into compromise with the complainants and made refund of all the amounts, he had received

from them, therefore, the complainants are present before this Court to make said statement, however, the application for compromise filed before the Court below has been dismissed. Therefore, it is prayed that during the pendency of trial, this applicant be granted bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. The complainants, who are present before this Court are identified by the counsel appearing for the applicant and make a statement that they have no objection, if the, bail is granted to the applicant. They have further stated that they have received all the amounts, which the applicant had taken from them.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, this applicant represented himself as distributor of N.J. Company and on the pretext that he will deposit the investment, which may be made by the complainants in the mutual fund scheme of the company, he received Rs.4.00 lakh from complainant Smt. Devanti Soni, Rs.9.20 lakh from Amit Prasad, Rs.80,000/- from Nisha Soni and Rs.3.20 lakh from the complainant Ashok Prasad Soni, which he did not deposit in the mutual fund scheme of the company and has misappropriated the same.
7. Considered on the submissions made and the contents of the case diary. Considering the statement made by the complainant themselves, who are present before this Court and for the reason that charge-sheet in this case has been filed and the case is pending for trial, hence for

this reason this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram