

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8542 of 2018**

- Suresh Nagesh S/o Hariram, aged about 28 years, Caste Nagesiya, R/o Village Sakhouli, Police Station Dhourpur, District- Surguja, Chhattisgarh.

---- Applicant (in Jail)

Versus

- State of Chhattisgarh Through : Police Station Kotwali, Ambikapur, District - Surguja, (C.G.).

---- Respondent

For Applicant	: Shri Rakesh Pandey, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/01/2019

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. 504/2018, registered at Police Station – Kotwali, Ambikapur, District- Surguja, (C.G.) for the offence punishable under Section 420 of the Indian Penal Code.
2. As per the prosecution story, Complainant Sajni Markam lodged a report to the effect that on 16.09.2018, when she collected mobile, distributed by the Government, her Aadhar Card and thumb impression were taken, thereafter on 28.09.2018 when she enquired in Gramin Bank Parsa, she came to know that Rs. 2,500/- from her account and Rs. 4,500/- has been transferred from account of Sonmaniya to the account of the Applicant. On the basis of the said report, offence has been registered against the Applicant. He has been taken into custody on 06.10.2018.
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 the Applicant has no criminal antecedent, he is in custody since 06.10.2018 and trial will take some time. Charge-sheet has already been filed. 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 the Applicant has no criminal antecedent, he is in custody since 06.10.2018 and 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 executing a personal bond for a sum of Rs. 20,000/- 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/-
(Arvind Singh Chandel)
Judge