

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7033 of 2019**

- Anup Kumar Pandey S/o Lalta Prasad Pandey Aged About 30 Years, R/o Adarsh Nagar, Tahsil And District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : District Magistrate Durg (Police Station City Kotwali), District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. C.R. Sahu, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19/12/2019**

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. 415/2019 registered at Police Station-City Kotwali, Civil and Revenue District-Durg (C.G.) for the offence punishable under Section 420/34 of the IPC.
2. The prosecution story, is that the applicant and one other co-accused Sourabh Agrawal were running 'Sarva Sewa Samarpan Sewa' and present applicant and other co-accused allured some investors to invest money in the said company and about Rs. 20 lakhs have been misappropriated by the present applicant and other co-accused. After some time when the complainant contacted to the applicant and accused person for the return of his money but neither the interest nor principle amount returned by the applicant and co-accused. Based on this, 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 the co-accused has already been granted bail in MCRC No. 4160/2019 so, the present applicant may also be granted benefit of bail. The applicant is in jail since 30.04.2019, 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, detention period of applicant and further considering the facts that other co-accused has already been granted bail by this Court and the applicant is in jail since 30.04.2019 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. 25,000/- 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**