

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9996 of 2018**

- Vikas Jain S/o Rajendra Kumar Jain, Aged About 46 Years R/o H.No. 22, Prem Pushpu Jalvihar Colony, PS Telibandha, Raipur, Tahsil and District- Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Saraswati Nagar, Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Rajeev Shrivastava, Advocate.
For Respondent/State	: Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/01/2019

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. 169/2014, registered at Police Station – Saraswati Nagar, District- Raipur, (C.G.) for the offence punishable under Sections 420/34 of the IPC.
2. As per the prosecution story, it is alleged that the present Applicant alongwith co-accused persons has entered into an agreement with the Complainant Gopi Chand Krishnani for shop No. 101, 112 & 204 situated at R.K. Mall, Raipur, which were mortgaged prior to the agreement with the Complainant to Allahabad Bank and thereby the Applicant the co-accused committed fraud. On the basis of the said, offence has been registered against the present Applicant and he has been taken into custody on 08.11.2016.
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, no case under Section 420 is made out against the Applicant. He further submits that the Applicant is in custody since 08.11.2016 i.e. for more than two years and 3 months and trial will take time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and submits that the Applicant is a habitual offender and total 17 cases of the same nature are pending against him.
5. However, Counsel for the Applicant submits that there are some cases registered against the Applicant but out of those cases he has already been acquitted in some cases on the basis of compromise and in most of the cases he has already been granted bail except two cases.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 08.11.2016 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. 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