

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 113 of 2020**

- Mohammad Shamim Khan S/o. Late Zahur Khan Aged About 47 Years (Mohammad Shamin Khan Wrongly Mentioned In Certified Copy) R/o. V.V. Nagar, Bihar Gali No. 5, Kamal Nagar, Mova, Police Station Pandari, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Maudhapara, Raipur District- Raipur Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Rajat Agrawal, Advocate.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.
For Objector	:	Mr. Mirza Kaiser Baeg, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 191/2019 registered at Police Station - Maudhapara- Raipur, District Raipur (C.G.) for the offence punishable under Sections 420 & 409 of the IPC.
2. The prosecution story in brief is that the present applicant, being a Director of Akbari Tours and Travels Private Limited, Raipur (C.G.), promised to organize a tour of Haj and obtained Rs. 12,15,476/- from the complainant and other persons but the same tour was not organized by the applicant. Based on that offence, after investigation, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further added in his submission that the prosecution has not brought into the record any incriminating circumstances or evidence which could lead to the guilt of the applicant. The applicant is in jail since 10.10.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel as well as counsel for Objector 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, as the applicant is in jail since 10.10.2019 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. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu