

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 469 of 2020**

- Ankit Mishra S/o Shri R.B. Mishra Aged About 22 Years R/o Village Bharha Karchana, Allahabad, Uttar Pradesh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station D.D. Nagar, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Pragalbha Sharma, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11/02/2020**

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. 416/2019 registered at Police Station-D.D. Nagar, District - Raipur (C.G.) for the offence punishable under Sections 419, 420 and 120-B of the IPC.
2. The prosecution story, in brief is that, the complainant lodge a report that on 15.11.2019 when he was going in his scooter was intercepted by two persons who impersonated themselves as officers of Crime Branch and searched his vehicle and seized about Rs. 26 lakhs from the complainant's scooty and further said to him to reach crime branch office for further procedures. After reaching police station it was discovered that he has been cheated by two unknown persons who have obtained the cash amount by impersonating themselves as officers of Crime Branch. Based on this, offence has been registered against the present

applicant and other co-accused persons.

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 present applicant is arrested only on the basis of memorandum statement of the co-accused and on very next day of the incident i.e. 16.11.2019 he was appeared for his law examination at Allahabad. He also submits that there is no seizure from the present applicant to connect him in the alleged crime. The applicant is in jail since 02.12.2019, 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 except memorandum statement of the co-accused no incriminating evidence available against the present applicant. The applicant is in jail since 02.12.2019 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 trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge