

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3119 of 2020**

Vishal Naidu, S/o Kishore naidu, Aged about 39 years, R/o Block J, Floor No. 08, flat No. 803, Raheja Residence Avanti Bihar Colony, Raipur, District Raipur (C.G.) -----

Applicant

Versus

State of Chhattisgarh through District Magistrate, Durg, District Durg (C.G.) -----

Respondent

 For Applicant : Mr. Arvind Shrivastava, Advocate
 For Objector : Mr. Sakib Ahmed, Advocate
 For Respondent/State : Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

19/06/2020

1. Heard.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for his release on regular bail during trial in connection with Crime No.104/2020, registered at Police Station – Kotwali, District Durg (C.G.) for the offence punishable under Sections 420, 467, 468, 471 of IPC.
4. It is the case of the prosecution that the first informants namely Prashant Chandrakar & Ankita Chandrakar made a written complaint against the present applicant alleging therein that they were allured by the applicant/accused of heavy profit and induced them to invest amount in the firm run by him in the name of Active Growth, which deals in real estate transactions. Being influenced by the allurements and inducements given by the applicant and on the basis of faith earned by the applicant the first

informant- Ankita Chandrakar entered into the partnership firm and invested in the firm and signed Memorandum of understanding (MOU) with the present applicant in which the present applicant promised the first applicant to return the invested amount by 30.04.2019, along with interest. In this regard, the applicant issued cheques which were dishonored. Based on this, offence has been registered. The present applicant is in custody since 08.02.2020.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that there is an unexplained delay in lodging the F.I.R. which is unnatural in a case where a fraud of a huge amount of Rs. 51,00,000/- & 1,10,85,000/- has been alleged to be committed. As the applicant is in custody since 08.02.2020, charge sheet has been filed and the trial is likely to take some time for its final disposal, therefore, he may be released on bail.
6. On the other hand, counsel for the State and counsel for the objector opposes the bail application.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the delay in lodging F.I.R. against the present applicant and fact that the applicant is in jail since 08.02.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future, without further commenting on merits of the case, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular

bail.

9. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.

10. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.1,00,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed, till the disposal of the trial.

11. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.3.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), he need not furnish bail bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

12. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge