

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4350 of 2020**

- Shiv Shankar Prasad S/o Janakmahto aged about 55 years, R/o Village Dhumki, P.S. Manpur, District-Nalanda, Bihar.

---- Applicant**Versus**

- State Of Chhattisgarh, Through – P.S. Kotwali Korba, the Station House Officer- Kotwali, District-Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Subham Dev Mallick, Adv.
For Respondent/State	:	Ms. Sunita Jain, G. A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18/08/2020**

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. 08/2020 registered at Police Station Kotwali, Korba, District-Korba (C.G.) for the offence punishable under Sections 420, 120-B, 201, 34 of the IPC.
2. The prosecution story, in brief is that, on 03.01.2020 the complainant lodged a written complaint that between 17.12.2019 and 27.12.2019, she deposited an amount of Rs. 8,00,000/- in the name of lucky draw processing fees for a car which is fraudulently received. During course of the investigation, it was pointed out in the memorandum statement of the co-accused Santosh Kushwaha and applicant Shiv Shankar Prasad that with other co-accused Sudheer @ Sandeep they have committed fraud in the name of lucky draw. 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 main allegation is against the

other co-accused namely, Santosh Kumar Kushwaha and Sudheer @ Sandeep and the applicant has not received the said amount in his account. He next submits that the applicant is in jail since 20.01.2020, 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 and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
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 that the main allegation is against the Santosh Kumar Kushwaha and Sudheer @ Sandeep, applicant is in jail since 20.01.2020, 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**