

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4427 of 2020**

- Arun Jain (Pugaliya), S/o Shri Vimal Chand Jain (Pugaliya), Aged about 35 years, R/o Devendra Nagar, Raipur, PS Devendra Nagar Raipur, Tahsil & District Raipur (C.G.) ---- **Applicant**

Versus

- State of Chhattisgarh, Through – Station House Officer, PS-Moudhapara, District Raipur (C.G.) ---- **Respondent**

For Applicant : Mr. Krishna Tandon, Advocate.
 For Respondent/State : Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19/08/2020**

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. 62/2020 registered at Police Station- Moudhapara, District Raipur (C.G.) for the offence punishable under Section 420 of the IPC, 1860.
2. The prosecution story in brief is that, complainant namely Asim Rathore came to Raipur in the month of March as because of lock-down his business were not going on at Agra, thereafter, the present applicant met to the complainant and suggested to do a business regarding selling of goods and present applicant open a firm in the name of Laxmi Traders for complainant. After that the present applicant said to the complainant that for supply of goods/material order has been given by the Mayura Trader, Ambikapur and we take the goods/material from Oscar Enterprises in Rs. 6,19,500/- and sell it to the Mayura Pvt. Ltd. On Rs. 7,56,000/- and after verification from the Ranjit Phugaliya and Rakesh Sharma, the complainant ready for the transaction and on 06.06.2020 transferred Rs. 6,20,000/- through RTGS of his mother in the account of Oscar Enterprises, Chandani Chowk, Delhi. After that, the complainant also get invoice and e-way bill in his email ID and Ranjit Phugaliya also confirmed it,

and on 09.06.2020 the present applicant also informed to the complainant that the material reached to the Mayura Sariya Factory but after passing three days the consideration amount has not been paid to the complainant then the complainant called to the owner of Mayura Sariya Factory, Ambikapur then he told that he has not given any order to anybody. On the basis of aforesaid story of the prosecution, the present applicant alleged in the said offence.

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 has not involved in such type of crime. He next submits that the applicant is in jail since 19.06.2019, 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 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 applicant is in jail since 19.06.2019, 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**