

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4426 of 2020**

- Vijay Prakash Yadav, S/o Mahavir Yadav, Aged about 27 years, Occupation Driver, R/o Shyampara, Pratappur, PS & Tahsil Pratappur, District Surajpur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – Station House Officer, PS-Batuli, District Surajpur (C.G.)

---- Respondent

For Applicant	:	Mr. Jitendra Shrivastava, 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. 48/2020 registered at Police Station- Batuli, District Surajpur (C.G.) for the offence punishable under Section 420 of the IPC, 1860.
2. The prosecution story in brief is that, on the basis of written complainant on 21.06.2020 lodged by complainant namely Ankit Kumar Agrawal, on one Sumit Kumar Agrawal from the shop Vijay Trading Store, Kharsiya Road, Ambikapur had called on 19.06.2020 to the complainant that compost is loading on the truck and one person is going to your shop for receiving money of that, thereafter one Ajay Yadav who come with the car after receiving money have gone and when the delivery of compost not given than the complainant called to the both persons Ajay Yadav and Sumit Kumar Agrawal but both the mobile numbers switched off and after searching, he found that no phone call given by the aforesaid shop and thereafter he filed complainant.
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 there is no attribution on the part of the applicant in commission of alleged offence. He next submits that the applicant is in jail since 24.06.2020, 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 applicant is in jail since 24.06.2020, 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**