

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4523 of 2020**

- Avinash @ Vicky Dubey S/o Shri Sushil Dubey aged about 41 years, R/o 18, Anand Nagar, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station Kotwali, Raipur, District : Raipur, Chhattisgarh.

---- Respondent

For Applicant : Ms. Smita Jha, Advocate.
For Respondent/State : Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/08/2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 174/2020 registered at Police Station - Kotwali, Raipur, District-Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471 and 120B/34 of the IPC.
2. The applicant has been granted temporary bail by this Court vide order dated 21.07.2020 and he was directed to surrender before the trial Court on 24.08.2020.
3. The prosecution story, in brief is that, complainant made a written complaint with respect to extra payment made to Maa Tarini Travels and forged seal and signature have been made by the present applicant along with other co-accused person with respect to Vehicle bearing registration No. CG-04-LP-3033 Innova. The aforementioned vehicle has been acquired by the Director General Project manager for playing at Airbase Mana Raipur, the driver and the present applicant

who is the Director of Maa Tarini Travels have by forging the seal and signature of Upsamadesta Adhikari have presented the driver diary and bill of extra payment for the month December 2019 to the tune of Rs. 9,5808/- and for the month January 2020 to the tune of Rs. 1,00,924/- in this manner in total Rs. 71,732/- have been paid to them in excess of the bill. Based on this offence has been registered against the present applicant and co-accused person.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. She further submits that the father of the applicant has been admitted in the hospital due to cardiac arrest and his condition is reported to be serious and there is nobody in the family to look after his father. She next submits that the applicant has been granted temporary bail by this Court vide order dated 21.07.2020 and as per direction he has positively surrendered himself on 24.08.2020. She also submits that the applicant is in jail since 27.06.2020, and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that applicant along with other co-accused person has made forgery and received excess payment from the complainant, therefore, the applicant may not be enlarged on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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 the applicant is in jail since 27.06.2020 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.
8. 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**

H.L. Sahu