

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6766 of 2020**

Harivivek Dahariya, S/o. Harishchandra Dahariya, Aged About 35 Years,
R/o. Prem Nagar Mova, Pandri, Raipur, Tahsil And District Raipur
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station
Rajendra Nagar, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Raghavendra Pradhan, Advocate.
For Respondent/State	:	Ms. Sunita Jain, Govt. Advocate
For Objector	:	Mr. Vivek Chopda, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.12.2020

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 31.08.2020 in connection with Crime No.100/2020 registered at Police Station- Rajendra Nagar, Raipur for the offence punishable under Section 420 of Indian Penal Code.
2. As per the prosecution case, the applicant who was working with the complainant in the Gold shop used to deliver the Gold to the customers and during such process, some of Gold which was meant for delivery to the customers was deposited to the Bank and he obtained loan. It is the allegation that the applicant obtained Gold on the ground that her sister is to be married, thereafter, the fraud when was discovered, the report was made.
3. Learned counsel for the applicant submits that it is completely improbable story as the applicant though was working on behalf of the complainant in his Gold shop but for a security two cheques were handed over to him

which were not valid for more than 10 Lacs. However, the same was received and complete improbable story has been projected, the applicant made a report to the police, but on the next date the complainant has also made a report. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel and learned counsel appearing for the objector vehemently opposes the prayer for grant of bail. They submit that that applicant has committed meticulous forgery by depositing the Gold to the Bank which were meant for delivery to the customers and he obtained loan.
5. The documents collected would show that all the evidence are documentary in nature. Considering the nature of allegation and the fact that the charge sheet has been filed and the applicant is in jail since 31.08.2020, I am inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one 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 by the said Court.

Sd/-
(Goutam Bhaduri)
Judge