

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6697 of 2019

- Narendra Sharma S/o Layak Ram Sharma, Aged About 33 Years, R/o K/36/A, Street No.5, Gonda, Police Station Bhajanpura, Delhi., Delhi

---- Applicant

Versus

- State of Chhattisgarh, Through The Station House Officer, Police Station Rajhara, District Balod Chhattisgarh., District : Balod, Chhattisgarh

----Non-applicant

For Applicant – Shri Gurudev I. Sharan, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-01-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His earlier bail application before this Court, MCRC No.3445/2019 was dismissed as withdrawn on 03-07-2019 with a direction to the trial Court to expedite the trial and conclude the same preferably within a period of three months. The applicant has been arrested on 16-07-2018 in connection with Crime No.22/2018 registered at P.S. - Rajhara, District Balod, Chhattisgarh for the offence under Section 420/34 of the IPC.

2. It is submitted on behalf of the applicant that three months have lapsed since passing of the earlier order, but the trial is still continuing and the applicant is in jail since 16-07-2018. The applicant has not committed any offence. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant is the main accused in this case as in the accounts details from the fraudulent transactions, that have been collected in the investigation shows one of the account stood in the name of this applicant, in which a deposit of 1,20,000/- was made. Therefore, it shows that he is a part

of a racket which is habitual of committing fraudulent acts, therefore, he is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. According to the prosecution case, Dr. Ashok Kumar Thakur, the complainant received a phone call from unknown number and he was informed that for withdrawal of insurance policy amount he has to make some deposit. Getting induced he made deposit of amount in total Rs.7,25,000/- in various accounts, in one of said accounts in which he made deposits of Rs.1,20,000/- that account has been found to be belonging to this applicant in the investigation. Hence, this case.

5. Considering that about 1 and ½ years have been passed and the applicant is in jail and the trial is still pending, therefore, I feel inclined to allow this application.

6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge