

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7128 of 2019**

- Om Prakash Mina S/o Halke Ram Mida Aged About 32 Years (Correct Name Is Halke Ram Mina), R/o Village Dundapur, Langra, District Karouli, Rajasthan.

----Applicant

Versus

- State Of Chhattisgarh Through The O.P. Manikpur, Police Station Kotwali, Korba, District Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ravindra Agrawal, Advocate.
For State	:	Mr. Vaibhav K. Agrawal, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08/01/2020**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing his on regular bail during trial in connection with Crime No. 594/2019 registered at Police Station - O.P. Manikpur, P.S. Kotwali, District Korba (C.G.) for the offence punishable under Section 420/34 of IPC.
- As per the prosecution story, in brief, on 27.02.2019, the other accused persons contacted with the present applicant for levelling of his agriculture field and settled for Rs. 5,40,000/- and the complainant has given them Rs. 40,000/- then and there and after withdrawing the amount of Rs. 5,00,000/- from the bank, also given to the other accused persons. Though, JCB machine was parked in the agricultural field of the complaint, work has not been done and thereby he has been cheated. On the basis of above facts, after completion of investigation, offence has been registered against the applicant and he has been arrested.

- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the amount has been returned to the complainant through cash and cheque. As the applicant is in jail since 26.09.2019 and he is ready to furnish adequate surety and shall abide by all the directions and conditions which may imposed by this Court, the present applicant may be released on bail.
- Per contra, State counsel opposes the bail application.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the offence is triable by Judicial Magistrate First Class, as he is in jail since 26.09.2019 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.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge