

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7404 of 2019**

- Gabu Avashya S/o Sitaram Avashya Aged About 37 Years
R/o- Village- Pacchodi, Tahsil, Civil And Revenue District-
Badwani, Madhya Pradesh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police
Station- Sipat, Civil And Revenue District- Bilaspur,
Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Devesh G. Kela, Advocate
For Respondent-State	:-	Mr. Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board**17/01/2020**

- 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. 316/2019 registered at Police Station – Sipat, District Bilaspur (C.G.) for the offence punishable under Sections 420, 34 of the IPC.
- 2.The prosecution story, in brief, is that the complaint

was lodged by complainant stating that he was telephonically contacted by someone and on the pretext of returning the amount of insurance he was made to deposit different amount in the account, but after depositing Rs.250/- in the account of complainant Rs.4,72,500/- was withdrawn from his account. It was further stated that the amount of Rs.4,72,500/- was deposited in the account of applicant. Based on this, offence has been registered. The present applicant has been taken into custody on 21.10.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the the applicant is in jail since 21.10.2019, he is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, the present applicant may be released on bail.
4. On the other hand State counsel strongly opposes the bail application.
5. I have heard learned counsel for the parties and perused the entire material available on record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the present applicant is in jail since 21.10.2019 and as 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 their 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. Applicant is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Ankit