

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7852 of 2019**

- Doman Sahu S/o Madandas Sahu Aged About 27 Years, (Wrongly Mentioned As Madan Lal Sahu In The Impugned Order) R/o Village-Mohar, Ward No. - 49, P.S.- Basantpur, District- Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : District Magistrate- Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Jaydeep Singh Yadav, Adv.
For Respondent/State	:	Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/01/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 61/2019 registered at Police Station-Boree, District - Durg (C.G.) for the offence punishable under Sections 420, 34 of the IPC.
2. The prosecution story, is that on 01.05.2019, a written complaint filed by few persons of Village-Doma that the present applicant and one other co-accused Devendra Dubey have cheated the villagers of Village-Doma on the pretext of purchasing crops from them and not repaying them the purchase cost of the said crops. Based on this, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the charge-sheet has been filed and the main allegation is against the co-accused Devendra Dubey. The

applicant is in jail since 02.07.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. 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 offence is triable by Judicial Magistrate First Class. The main allegation is against the co-accused Devendra Dubey and the applicant is in jail since 02.07.2019 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.
7. 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 trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**