

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8116 of 2019**

- Ashwani Dwivedi, S/o It. Chandra Bhan Diwevdi, Aged About 43 Years, Director Vandana Steel and Aditya Construction R/o C-2 Chouhan Town Junwani, Bhilai PS Supela, District- Durg Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through S.H.O. Police Station- Ama Naka Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. B. P. Singh, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.01.2020**

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. 294/2019 registered at Police Station- Out Post Jutemill, Police Station- Ama Naka Raipur, (C.G.) for the offence punishable under Section 420 of IPC.
2. The prosecution story, in brief is that, one Vinay Maheshwari has lodged report of this nature that the applicant has purchased articles from his company since two years back and in the month of November 2018 he has stated that the payment could not be made due to non-payment of purchase of the article from him and when it will be received and the payment will be made and on that basis the business was continuous and the total balance amount of Rs. 40,31,134/- only and when the money was demanded he has given two cheques of IndusInd Bank and Axis Bank but when it was produced to the bank the same was dishonoured. Thereafter, 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 applicant is in jail since 21.11.2019, 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, and further considering the facts that the applicant is in jail since 21.11.2019 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. 1,00,000/-, 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**