

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 41 of 2021**

- Uttam Prasad Dansena s/o. Nand Lal Dansena, aged 43 years, r/o. Baispali, Thana Kotra road, Raigarh, Judicial and Dist. Raigarh (CG). ---Applicant.

Vs.

- State of Chhattisgarh through Police Thana Chakradhar Nagar, District Raigarh (CG). --Non-applicant

For Applicant	:	Mr. Sanjay Agrawal, Advocate.
For State	:	Mr. Vimlesh Bajpai, Dy. Govt. Advocate
For complainant	:	Mr. Varun Sharma, Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****8-2-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 2-12-2020 in connection with Crime No. 372 of 2020 registered at Police Station Chakradhar Nagar, District Raigarh (CG) for the offence punishable under Sections 420, 467, 471, 409 and 120(B) of IPC and Section 06 (05) and 10 of Nikshepakon ke Hiton ka Sanrakshan Adhiniyam, 2005.
2. Case of the prosecution, in brief, is that the applicant and other co-accused persons created a company by the name of M.D. India Real Estate Pvt. Ltd.. On 1-12-2020 complainant namely Sudama Nayak lodged report stating therein that he invested a

sum of Rs.10,04,000/- and Rs.1,00,000/- in the name of his wife, son and daughter each in the year 2009 for the period of five years and in this regard nine bond papers were also issued by the applicant in respect of all the investment. Thereafter, in the year 2014 after completion of the said investment period, the complainant asked for return on investment, but the applicant did not return the said amount, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, the offence is triable by the Magistrate. He would further submit that the money invested by the complainant has been paid to him, except present one, he has no other criminal antecedents, he is in jail since 2-12-2020 and conclusion of the trial is likely to take some time, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the present applicant has no other criminal antecedents.
5. Complainant Sudama Nayak is present before this court along with his counsel Mr. Varun Sharma and Mrs. Kalyani Sharma counsel who appeared in lower on his behalf is also present in court. Complainant stated before this court that he obtained Demand Draft of Rs.5,00,000/-, Rs.7,00,000/- in cash and received Rs.3,50,000/- prior to lodging of the FIR, therefore, no

dispute remains with the present applicant. Complainant was identified by the counsel of the complainant along with Aadhar Card and PAN card.

6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, considering the statement of the complainant that the entire amount was paid to him by the applicant, the offence is triable by the Magistrate, detention period of the applicant, charge sheet has been filed, there is no likelihood of the applicant tampering with the evidence of absconding and the applicant has no other criminal antecedents as admitted by both the parties and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted bail on the following conditions:
 - i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such

fact to the Court,

- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial, and
- iv. he shall not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Raju