

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7723 of 2021**

- Rajesh Mishra S/o Bramheshwar Mishra Aged About 45 Years
R/o Golden Home, Shankar Nagar, Raipur, District- Raipur,
Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station- New Rajendra
Nagar, District- Raipur, Chhattisgarh

---- Respondent

For Applicant	: Shri Sanjay Agrawal, Advocate
For Respondent/State	: Shri Gagan Tiwari, Dy.GA

Hon'ble Smt. Justice Rajani Dubey**Order On Board****12/11/2021**

The applicant has filed this second bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 146/2019 registered at police station New Rajendra Nagar, district Raipur(CG) for the offence punishable under Sections 420, 409 and 120/34 IPC; Section 3 and 4 of the Prize, Chits and Money Sirculation (Banning) Act and Section 10 of Chhattisgarh Protection of Depositors Interest Act, 2005.

The first bail application filed by the applicant was dismissed as withdrawn vide order dated 08.12.2020 in M.Cr.C. No. 4409/2020 along with the connected cases.

As per prosecution case, report was lodged by the complainant alleging that his sister and brother in law were cheated to invest in a marketing company named share Mart Vision and in the said company, people were asked to invest 50% of the total share and franchisee was given to them after investment of the amount of Rs. 30,00,000/-. It is further alleged that a return amount of Rs. 1,50,000/- will be given to each of the persons who has got the franchisee. It is the case of prosecution that after investing the amount, no return was paid to the investors and thus the applicant has defrauded them.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that in similar two cases, the applicant has been granted bail by this Court vide order dated 22.06.2021 in M.Cr.C. No. 1606/2021 and order dated 27.08.2021 in M.Cr.C. No. 5121/2021 and therefore he may be granted the benefit in the present case. He submits that the applicant is in jail since 13.05.2019; the charge sheet has been filed and looking to the conduct of the prosecution, it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and that in other similar two cases he has been granted bail, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a

personal bond in the sum of Rs. 2,00,000/- with one local surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-

(Rajani Dubey)

Judge