

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8592 of 2020**

- Rajesh Soni S/o Late Shri Jankilal Soni Aged About 52 Years R/o Uphaar Jewelers, Manav Mandir Chowk, City-Rajnandgaon, Tehsil And District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Inspector, Police Station City Kotwali Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Abhishek Sinha & Mr. Amit Buxy, Advocate.
For Respondent/State	:	Mr. Udhaw Sharma, G.A.
For Objector	:	Mr. Abhinav Kardekar

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.03.2021**

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. 560 of 2020 registered at Police Station – Kotwali, Rajnandgaon (C.G.) for the offence punishable under Sections 409 & 420 of the IPC.
2. The prosecution story in nutshell is that the applicant who is a jeweler asked the complainant to deposit golden ornaments in the Gold Deposit Scheme for the interest. On that, complainant deposited some golden ornaments and biscuits and obtained interest till next six months. After six months applicant neither gave interest nor returned the said ornaments to the complainant. Based on that, complainant filed a complaint against the applicant before the concerned police station.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. Referring to Annexure A/2 counsel for the applicant would further submit that the applicant, proprietor of M/s. Uphaar Jewelers, and his brother namely Vinod Soni used to run the Jewelry shop but due to family dispute Vinod Soni started misusing the bill books in the name of M/s. Uphaar Jewelers and a public notice was also published in the local newspapers on 21.07.2019. As the applicant is in jail since 06.11.2020, therefore, he may be released on bail.
4. Per contra, State counsel as well as counsel for the objector opposes the bail application and submits that there is a previous antecedent against the applicant of the same nature which shows that he a natural offender, therefore, he may not be granted bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, nature of allegation, I am of the opinion that present is a fit case to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 1,00,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

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

V/-