

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5924 of 2017**

- Satya Prakash Mahant, S/o Kanhaiya Das, Aged About 45 Years, R/o Parsadakhurd, Police Station & Tahsil Sakti, District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through District Magistrate, Police Station Sakti, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant : Shri V.C. Ottalwar, Advocate.
 For Respondent/State : Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09.10.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.186/17 on 16/07/2017, Police Station Sakti, Distt. Janjgir-Champa, (C.G.) for the offence under Section 420 of the Indian Penal Code.

3. Learned counsel for the applicant would submit after investigation police had filed charge-sheet which is presently pending before the Judicial Magistrate First Class, Janjgir-Champa (C.G.) as Criminal Case No.490/17. Learned counsel for the applicant would submit that applicant is the first offender and never involved in any of the offences neither convicted by any of the Court. He is working as the Sarpanch and as per allegation he had taken total Rs.20,500/- from the complainants and assured them that he

will helped to get a residence under a scheme, the offence is compoundable trial by Judicial Magistrate First Class, trial may take some time, he may be granted on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant would submit that from 7 complainants the applicant had taken total Rs.20,500/- and assured them for an accommodation under the scheme of the Government as he cheated and also would further submit that earlier 3 matters has been initiated for the preventive proceedings under Section 107 & 116 (3) of the Cr.P.C., hence the instant MCRC may be dismissed.

5. Perused the entire matter.

6. As the applicant is the first offender, he is in custody since 2 months and 23 days till date, charge-sheet has been filed, trial may take some time and as per allegation he had taken money from 7 people total Rs.20,500/- and assured those to allot a residence under some scheme of the Government. The applicant is presently working as Sarpanch but there is no criminal past of the applicant. Also looking to the detention period, and the fact that he had never involved in any of the crime and also looking to the allegation that he had cheated 7 people total for Rs.20,500/-, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, the instant MCRC is allowed. It is directed that if the applicants deposited Rs.20,500/- before Trial Court under the

rules applicable for the deposit of said money. The said money be kept with the said Trial Court and shall be subject matter of the judgement. The Trial Court may make appropriate order for the said money as he deemed fit at the time of pronouncement of the judgement and conclusion of the trial and thereafter if the applicant deposits money amount Rs.20,500/- and thereafter, the applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of like some amount to the satisfaction of Judicial Magistrate First Class, Janjgir-Champa (C.G.) for his appearance before the said Court regularly as and when directed by the said Court.

8. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

9. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
Judge