

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 968 of 2020**

- Shankar Rajak S/o Buddhdev Prasad, Aged About 47 Years By Caste Dhobhi, R/o Village Hunkara, P.S. Katghora, District : Korba, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Deepka, District : Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate
For Respondent	:	Ms. Veena Nair, Dy. A.G.

Hon'ble Smt. Justice Rajai Dubey**Order on Board****28/05/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.143/2018, registered at Police Station - Deepka, District Korba (C.G.) for the offence punishable under Sections 420, 467, 468, 471 read with Section 34 of the I.P.C.
2. The allegation against the present applicant is that he had taken some money from complainant Magadlina, her daughter Karishma and her brother Subhas Kerketta on the pretext of providing job in SECL but he neither provided job nor returned the money. It is further alleged that the applicant has also taken money from other persons of the village for the said purpose and thereby committed cheating. On the basis of said report, offence has been registered.

Present applicant has been taken into custody on 18.09.2018.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that there is no direct evidence with regard to the alleged transaction so as to connect him with the crime in question. He also submits that in as many as three cases (MCRC No.5398/2019, 5564/2019, 5554/2019) of the similar nature, the present applicant has already been granted bail by this Court. He also submits that the applicant is in custody since 18.09.2018, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, and further considering the fact that the present applicant has already been granted bail in three cases of similar nature, the applicant is in custody since 18.09.2018, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of

the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re: Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.
10. Certified copy as per rules.

Sd/-

(Rajani Dubey)
Judge