

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1105 of 2020

Jitendra Kumar, aged 29 years, S/o Lakeshwar Darshan, R/o Village Bodasagar, P.S. Faguram-Chowki, Tahsil Dabhra, Distt. Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through District Magistrate, Janjgir, District Janjgir-Champa (C.G.)

---- Non-applicant

For Applicant:	Mr. Ishwar Jaiswal, Advocate.
For Non-applicant:	Mr. Siddharth Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/05/2020

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.20/2020, registered at Police Station Dabhara, Distt. Janjgir-Champa, for the offence punishable under Section 420 of the IPC.
2. Case of the prosecution, in brief, is that the applicant obtained ₹ 4,50,000/- from complainant Jai Kumar to give higher returns, but failed to return and thereby committed the offence.
3. Learned counsel for the applicant submits that this is the first bail application filed on behalf of the applicant for grant of regular bail, the applicant has not committed any offence and he has been falsely implicated in the case. He further submits that there is delay in lodging the FIR. Charge-sheet has been filed and trial is not likely to take place in the near future in view of COVID-19. The applicant has been arrested on 13-1-2020 and no useful purpose would be served by keeping the applicant in jail.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pretrial detention of the applicant and further taking into account that charge-sheet has been filed and no custodial interrogation of the applicant is required, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
8. 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 23-3-2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu 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 bail bonds earlier, then he will be required to furnish bail bonds.

Sd/-
(Sanjay K. Agrawal)
Judge