

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1626 of 2020**

Kamlesh Kumar Sahu, S/o- Late Moti Lal Sahu, Aged about 35 years, R/o Village-Ramnagar, Gokul Nagar, Near Kabir Chowk, Ward No. 20, Raipur, P.S. Gudiari, District Raipur (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station : Somni, District Rajnangdaon (C.G.)

----Non-applicant

For Applicant	: Mr. Sangharsh Pandey, Advocate
For Non-applicant/State	: Mr. Devesh Chand Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/05/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 237/2019 registered at police Station Somni, District Rajnandgaon (C.G.) for the offence punishable under Section 420 of the Indian Penal Code.

(2) Case of the prosecution in brief is that present complainant entered into agreement to sell with the applicant for the purchase of land in dispute and after obtaining Rs.50,000/- as advance money, the applicant did not get the registry of the said land in favour of the complainant and thereby committed the aforesaid offence.

(3) Learned counsel appearing for the applicant submits that applicant has been falsely implicated in the crime in question as there is no evidence available on record to

connect the applicant with the crime in question. He further submits the applicant has been arrested on 09.12.2019; charge sheet has already been filed and no useful purpose would be served in keeping him further in jail and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Taking into consideration nature & gravity of the offence, particularly the facts applicant is in custody since 09.12.2019 and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court till disposal of the trial.

(7) 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.

(8) Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

