

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2852 of 2020

- Anand Vishwakarma son of Krishna Vishwakarma, aged about 26 years, resident of Block No. 10, Archid Apartment, Taalpuri Bhilai, Tehsil and District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Durg, District Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri A.C. Sahu, Advocate
For Objector	:	Shri Sameer Singh, Advocate
For Respondent/State	:	Shri Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

19.6.2020

1. The default pointed out by the Registry is overruled.
2. Heard.
3. Admit.
4. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.64/2020, registered at Police Station, Durg, District Durg(CG) for the offence punishable under Section 420 of the IPC.
5. As per the case of prosecution, the complainant lodged a report that he purchased a Car (second hand) from the applicant and paid Rs.1,05,000/- and when there was some mechanical problem in the car, the applicant assured him to replace the above car, but neither he replaced it nor returned the money.

6. Learned counsel for the applicant submits that the applicant has not committed any offence. He submits that there was some money transaction between the complainant and the applicant and as the cheque given by the applicant get dishonored, the complainant has lodged the report. He further submits that the applicant is in jail since 22.1.2020, and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.
7. On the other hand, learned counsel for the State as well as learned counsel for the Objector oppose the bail application. Learned counsel for the Objector submits that the applicant is doing the business of car and made fraud with 5 to 6 persons.
8. Perused the entire material available on record.
9. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; the detention period of the applicant; charge sheet has been filed and trial is likely to take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
10. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
11. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one 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.

12. 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 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.
13. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE