NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2019 of 2020

- Santosh Karan Yadav, S/o Shakti Prasad, Aged about 40 years, R/o- Gaytri Nagar Azad Chowk, Birgaon, PS Khamtarai, Raipur, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – SHO, Police Station- Mujgahan, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant : Mr. Hariom Rai, Advocate.
For Respondent/State : Mr. Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

16.06.2020

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 440/2019 registered at Police Station – Mujgahan Raipur, District Raipur (C.G.) for the offence punishable under Sections 420, 467, 468 and 34 of the IPC.
- According to the prosecution story, the present applicant runs a Getset Job Consultancy (Agency) which provide jobs to unemployed persons and on the basis of complaint of the complainant the other co-accused namely Ravishankar Pandey use the name of his company to provide job and also take some amount of money to get them job and the main accused namely Nayan Chaterjee sent fake appointment letter on the mail of the complainant.
- Learned counsel for the applicant submits that the applicant is innocent person and he has been falsely implicated in the aforesaid case. He further submits that the learned trial Court failed to appreciate that the transactions and activities done between the parties became civil in nature but complainant falsely made a criminal case against the present applicant.

He next contended that the applicant is in jail since 28.11.2019, therefore he may be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/-, with one local surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.
- 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), they 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 they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

Sd/-
(Rajani Dubey)
Judge

Vasant