

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2694 of 2020**

- Rajesh Deewan, S/o Shri Dhansingh Deewan, Aged About 41 Years R/o Village- Khattadih, P.S.- Komakhan, Tahsil- Bagbahra, Civil & Revenue District- Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Komakhan, Civil & Revenue District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Sahu, Adv.
For Respondent/State	: Mr. Vikram Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27.05.2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 154/2019 registered at Police Station- Komakhan, District- Mahasamund, (C.G.) for the offence punishable under Sections 419, 420, 120-B, 409, 465, 466, 467, 468, 471, 477-A r/w Section 34 of I.P.C.
4. The prosecution story, in brief is that, complainant Gend Prasad Tiwari lodged a written report with the averment that his agriculture land is recorded in the revenue record in the name of him and his son and on the basis of forged documents, the co-accused persons have cheated by personation as Gendprasad

Tiwari and took a loan of Rs. 88,000/- from the Central Bank of India Branch, Mahasamund which is not in the knowledge of the complainant. Thereafter, offence has been registered against the present applicant other co-accused persons and they have been taken into custody.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the other two co-accused persons have been granted anticipatory bail by this Hon'ble Court. The applicant is in jail since 13.03.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the present applicant is a main accused person and allegation against is of serious in nature, therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the applicant is in jail since 13.03.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local 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 to him by the said Court.
10. 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.

11.Certified copy, as per rule.

Sd/-
(Rajani Dubey)
Judge

Ruchi