

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2541 of 2020

- Nitesh Sharma S/o Shri Jag Kumar Sharma Aged About 39 Years R/o Near Mahavir Apartment, Ganga Nagar, Sector-2, Mangla Chowk, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Arakshi Kendra Moudhapara, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Prateek Sharma, Advocate
For Respondent/State	: Shri Siddarth Dubey, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

10/06/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 54/2019 registered at police station Arakshi Kendra Moudhapara, district Raipur (CG) for the offence punishable under Sections 420, 467, 468, 471, 201, 34 IPC.

As per prosecution case, report was lodged by the complainant alleging that the applicant and the co-accused persons have have created online website and cheated Rs. 3,00,000/- from him for providing him job in the railways.

Counsel for the applicant submits that the applicant has been

falsely implicated in the case. He submits that the main accused has been granted bail by this Court in M.Cr.C. No. 2648/2020 vide order dated 28.05.2020 and therefore similar benefit may be granted to the present applicant. He further submits that the applicant is in jail since 18.03.2020; charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

It is submitted by counsel for the applicant that due to typographical error, the Crime No. has been written as 54/2020 instead of 54/2019. He submits that he will remove the default during the course of the day.

With the permission of the Court, he is permitted to remove the default during the course of the day.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and also the fact that the main accused has been granted bail, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

It is made clear that if the applicant has already been released

on bail pursuant to the bail bonds already furnishing 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.

Sd/-

(Rajani Dubey)

Judge