

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2622 of 2020**

- Nitesh Kumar S/o Bideshi Ram Aged About 24 Years R/o Village Sanjari, Police Station Dondi Lohara, Outpost Sanjari, District Balod, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer Dondi Lohara, District Balod, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sikhar Bakhtiyar on behalf of Mr. B. P. Singh, Adv.
For Respondent/State	:	Mr. Dinesh Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/06/2020**

1. 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. 228/2019 registered at Police Station Dondi Lohara, District-Balod (C.G.) for the offence punishable under Section 420 of the IPC.
2. The prosecution story in brief is that, complainant Khorbahara Ram Dongre after retirement he has got 28 lakh rupees and out of 28 lakh rupees he has deposited 11 lakh rupees in the SBI bank branch Dondi Lohara and his son Deepesh was very ill thus he had died in the year 2018. Applicant was the close friend of Deepesh and due to the said reason complainant had faith upon the applicant. Then after the death of his son, complainant used the applicant to withdraw money from the bank as well as through ATM, applicant has also used the Mobile of the complainant and due to the said faith the applicant has

withdrawn Rs. 10,84,000/- through Paytm and that amount was transferred in the bank of applicant. Complainant came to know this fact in November 2019, that applicant has done this fraud. Based on this offence has been registered against the present applicant.

3. 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 applicant is in jail since 14.12.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature, the applicant has dishonestly withdrawn the money from the complainant, therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the applicant is in jail since 14.12.2019, 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.
7. 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.
8. It is made clear that if the applicant has already been released on bail pursuant to the bail bond 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 bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

**Sd/-
(Rajani Dubey)
Judge**

H.L. Sabu