

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2699 of 2020

- Vikas Pal, Aged about 36 years, S/o. Chandrashekhar Pal, Occupation Business, R/o. Village Vishrampur, PS Simga, District Baloda Bazar, Bhatapara (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through district Magistrate Raigarh, District Raigarh, Police Station Sarangarh, District Raigarh Chhattisgarh

---- Respondent

For Applicant	: Shri Anil Singh Rajput, Advocate
For Respondent/State	: Shri Sameer Sharma, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

01/07/2020

Heard on I.A. No. 04/2020 application for extension of interim bail.

The applicant has been granted temporary bail by this Court vide order dated 27.05.2020 and he was directed to surrender before the trial court on 01.07.2020.

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. 75/2020 registered at police station Sarangarh, district Raigarh (CG) for the offence punishable under Section 420 IPC.

As per prosecution case, report was lodged by the complainant

Vijay Kujur alleging that the applicant is doing business of loading and unloading the Ash from Jindal plant, Tamnar by Hyva. It is further case of the prosecution that the complainant who was interested in the said business has paid Rs. 10,00,000/- to the applicant for investment in the same. However, the said amount has not been paid back to the complainant and a report was lodged against the applicant.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the applicant has executed a sale deed in favour of complainant as surety and that when the cheque given by the complainant was deposited in the bank it got dishonoured. It is submitted that when the applicant sent notice to the complainant for cheating and dishonour of cheque, a counter case has been register by him against the applicant. Lastly, he submits that the matter is purely of civil nature and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion and therefore the applicant may be released on bail.

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

Having heard counsel for the parties, considered the totality of the facts and circumstances of the case, in particular the detention period of the applicant, 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. 1,00,000/- 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 the applicant shall be released on bail only after he furnishes the bail bond as per direction of this Court vide order dated 01.07.2020 and then he is not required to surrender before the trial court today i.e. 01.07.2020 as directed vide order dated 27.05.2020.

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.

Certified copy today.

Sd/-
(Rajani Dubey)
Judge