

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3355 of 2020**

- Saurabh Kumar Das, S/o Sushant Kumar Das, Aged about 40 years, R/o Ward No. 10, Gelhapani, Chirmiri, PS & Tahsil Chirmiri, District Koriya (C.G.)
---- Applicant

Versus

- State of Chhattisgarh, Through – SHO, Police Station- Chirmiri, District Koriya (C.G.)
---- Respondent

For Applicant : Mr. Anil Gulati, Advocate.

For Respondent/State : Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.06.2020**

- 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. 51/2018 registered at Police Station – Chirmiri, District- Koriya (C.G.) for the offence punishable under Section 420 read with Section 34 of IPC.
- According to the prosecution story, the complainant lodged the complaint under Section 156(3) of Cr.P.C. before the Court of learned Judicial Magistrate First Class, Chirmiri, District Koriya (C.G.) for the offence punishable under Section 420 read with Section 34 of IPC, alleging in it that the applicant express the scheme of WSS (Winners Sport System) and it is express that to add in the company a sum of Rs. 500/- is required for registration and for depositing a sum of Rs. 8000/- they will get sum of Rs. 2000/- every month till their entire life and if sum of the investors is no more, the amount will be received by the children of the deceased and the complainant and the family members of the complainant and other members invested sum of Rs. 1,31,000/- in the WSS Company, Subsequently, the amount was not received from the investors, they lodged the FIR against the applicant and other co-accused persons.
- Learned counsel for the applicant submits that the applicant is

innocent person who has been falsely implicated in the aforesaid case, he further submits that the applicant is an agent of the company and apart from that no role attributed by the applicant for the commission of the alleged offence. He next contended that the applicant is in jail since 21.09.2019, 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