

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4010 of 2020

- Gouraha Banjare S/o Sahasram Banjare, Aged About 48 Years, R/o Village Khapradeah, Police Station Gidhowri, District (Revenue and Civil) Balodabazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Gidhowri, District (Revenue and Civil) Balodabazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Shri Sumit Jhavar, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-08-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 03-03-2019 in connection with Crime No.58/2019 registered at Police Station - Gidhowri, District (Revenue and Civil) Balodabazar-Bhatapara, Chhattisgarh for the offence under Section 420 of the IPC.

2. It is submitted on behalf of the applicant that this is second application filed for grant of regular bail to the applicant. The first application filed MCRC No.2549/2019 was dismissed as withdrawn on 13-08-2019. It is submitted that the applicant has been falsely implicated in this case. It had been a simple case of money transaction between the applicant and the complainant and as the applicant failed to refund the same, the FIR has been lodged. The applicant is in jail since 03-03-2019. The trial against him has made no progress and there is no likelihood of completion of the trial in near future. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that looking to the evidence present against the applicant, no case is made out for grant of bail.
4. Heard learned counsel for the parties and perused the documents.
5. According to the prosecution case, it is alleged that this applicant had on pretext that he will get the complainant appointed in police service received Rs.5,00,000/- from the complainant in his bank account as illegal gratification. When the complainant did not get any appointment, he sought refund from the applicant on which the applicant abused and threatened him. Therefore, the FIR has been lodged.
6. Considered on the submissions and the facts of the case. As the case is pending for trial and at present the trial has not made sufficient progress which is also withheld due to present pandemic situation and the applicant is in jail since more than one year, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge