

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4791 of 2020

- Vishnu Gupta, S/o. Shri Bandhu Gupta, Aged about 43 years, Caste Rauniyar Resident of Madanpur Injako, Thana Pathalgaon, District Jashpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pathalgaon, District Jashpur Chhattisgarh

---- Respondent

For Applicant	: Shri Sunil Sahu, Advocate
For Respondent/State	: Ms. Sunita Jain, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

01/09/2020

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. 99/2011 registered at police station Pathalgaon, district Jashpur (CG) for the offence punishable under Sections 420,467,468 and 471/34IPC.

As per prosecution case, report was lodged by the applicant alleging that the applicant along with co-accused cheated him and obtained Rs. 1,10,000/- for providing him job at Janpad Karyalay.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the applicant has been arrested as he remained absent to appear before the trial court. He submits that earlier also he remained absent and last opportunity was granted to him by this Court. However, again the

applicant remained absent on 11.05.2018 and was arrested on 16.05.2020. It is submitted by the counsel for the applicant that one more opportunity be granted and the applicant will appear regularly before the trial court and also cooperate with the trial.

On the other hand counsel for the State opposes the bail application and submits that earlier also the applicant has misused the liberty granted to him.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and that he will cooperate in the progress of trial, I am inclined to grant one last opportunity to the applicant and 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 this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if

(i) the trial court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally;

ii) the applicant does not cooperate in the trial;

iii) the applicant is found to be involved in any offence of the like nature; and

iv) the trial court finds that the applicant remains absent

without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the court below may proceed further under the provisions of law under intimation.

However, the trial court is directed to initiate proceedings against the applicant and his surety under the relevant provisions of Section 446 and other Section of the Cr.P.C. for forfeiture and realization of bond and surety amount as per provisions of law if not proceeded earlier, pass appropriate order for the forfeiture and other follow up.

Sd/-

(Rajani Dubey)
Judge