

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5378 of 2020**

- Kanhaiya Lal Tamrakar S/o Narayan Sao, aged about 75 years, R/o Shakar Nagar Durg Tehsil and District Durg (CG)

---- Applicant**Versus**

- State of Chhattisgarh Through : District Magistrate Durg(C.G.)

---- Respondent

For Applicant	:	Mr. A.C. Sahu, Advocate
For Respondent	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.9.2020**

1. The matter is heard through video conferencing.
2. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.190/2020, registered at Police Station Durg City Kotwali, District Durg (C.G.) for the offence punishable under Section 420 of the IPC.
3. The prosecution story, in brief is that, the present applicant appeared before the Court of learned J.M.F.C. Durg to furnish bail bond of his near and dear with original document and on that date, the accused was not appeared before the Court thereafter, the learned Court below showed the photograph of the accused to the present applicant but he failed to identify the said photograph. Therefore, the learned Court below accused the present applicant for committed fraud. Thereafter, offence has been registered against the present applicant and he has been taken into custody.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case in question. He further submits that the applicant is in jail since 07.03.2020 and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the applicant is in jail since 07.03.2020 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.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 1,00,000/-, 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Ruchi