

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6229 of 2020

- Santosh Kumar Kushwaha, S/o Sachit Kumar Kushwaha, Aged About 29 Years, R/o Village Harganwa, Thana Manpur, District Nalanda (Bihar) At Present R/o Chhattarpur, Om Hardware and Sanitary, Thana Meharouli, New Delhi

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, CSEB Chowki, Police Station Kotwali, District Korba, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri C. P. Lahrey, Advocate
Ms. Veena Nair, Dy. AG

Hon'ble Justice Shri Gautam Chourdiya

Order On Board

03/12/2020

1. The applicant has preferred this first bail application under Section 439 of CrPC, as he has been arrested in connection with Crime No.8/2020, registered at Police Station CSEB Chowki, Thana Kotwali, District Korba (C.G.) for the offence punishable under Sections 420 read with Section 34, 120-B and 201 of IPC.
2. The case of the prosecution in brief is that the applicant and the co-accused committed forgery with the victim by giving allurements of winning a car and in the name of process fee, the amount of Rs.8 Lakhs was charged. During the course of the investigation, it was pointed out in the memorandum statement of the applicant and the co-accused Shiv Shankar Prasad that with

the help of another co-accused Sudhir @ Sandip, they have committed fraud in the name of lucky draw. Based on this offence, the FIR has been registered against the present applicant and other co-accused persons.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that there is no other material available except the memorandum statement of the applicant and the co-accused. There is no criminal antecedents of the applicant. The applicant is in jail for about 11 months and there is no likelihood of his case being decided in near future, therefore, the applicant may kindly be released on bail.
4. Learned State counsel opposes the bail application.
5. The co-accused Shiv Shankar Prasad has been granted bail by the Coordinate Bench in MCRC No.4350/2020 vide order dated 18.08.2020. The allegations against the co-accused and the present applicant are the same.
6. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case and looking to the entire evidence available on record, it appears that the allegations are the same as against the co-accused Shiv Shankar Prasad and the present applicant; the offence is triable by the Judicial Magistrate First Class, charge sheet has been filed; applicant is in jail since 17.01.2020, there is no criminal antecedents of the applicant and the trial is likely to take some time, this Court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that in the event of applicant's executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the Trial Court, the applicant be released on bail. He is directed to appear before the Trial Court on each and every date given to her by the said Court till disposal of the trial.
8. It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
Gautam Chourdiya
Judge

Nirala