

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6678 of 2020**

- Santosh Kumar Sahni S/o Rambadan Sahni Aged About 35 Years R/o Nai Ledri, Sarai Dafai Tehsil - Manndergarh, District - Koriya, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Station House Officer, Police Station - City Kotwali, Jagdalpur District - Bastar Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Sharma, Advocate.
 For Respondent/State : Mr. Anand Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15/12/2020**

1. The accused/applicant has moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 20/2018 registered at Police Station - City Kotwali, Jagdalpur, District - Bastar (C.G.) for the offence punishable under Section 420 of the IPC.
2. The first bail application of the applicant was dismissed with liberty to renew the same at the appropriate stage by this Court on 14.07.2020 in MCRC No. 3659/2020.
3. The prosecution story in brief, is that, in the year 2016-2017 applicant obtained Rs. 36,75,000/- from complainant Dr. Vijay Thakur on the name of getting his son admitted in good medical college and thereby committed cheating with the complainant. Based on this, offence has been registered against the present applicant.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that there is no evidence on record that applicant ever promised the complainant that he

will get his son admitted in the medical college. He also submits that the applicant is in jail since 13.03.2020, 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 submits that the allegation against the applicant is of serious in nature; therefore, no case is made out to release him on 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, detention period of applicant and further considering the facts that the applicant is in jail since 13.03.2020 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. 50,000/- 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.

**Sd/-
(Rajani Dubey)
Judge**