

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8091 of 2019**

- Rahul Kumar Borkar S/o Late Baliram Borkar Aged About 62 Years Retired Government Servant, R/o Shankar Nagar, Jagriti Chowk, Police Station Mohan Nagar, Durg, Tahsil And District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mohan Nagar, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Amiyakant Tiwari, Advocate.
For State	:	Mr. Wasim Miyan, PL
For Objector	:	Mr. K.K. Dewangan, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04.02.2020**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing his on regular bail during trial in connection with Crime No. 403/2019 registered at Police Station - Mohan Nagar, Durg, District Durg (C.G.) for the offence punishable under Section 420 of IPC and Section 7 of the Aushadhi Aur Chamtkari Upchar (Akshepaniya Vigyapan) Adhiniyam 1954.
- As per the prosecution story, in brief, complainant Ravi Chandrikapure has lodged an FIR stating therein that the present applicant who claims to be a charismatic Baba obtained Rs. 4,15,000/- from the complainant for the holy rituals on the assurance of getting a make child birth. Based on that, after completion of investigation, offence has been registered against the applicant and he has been arrested.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that present applicant is a government servant and due to animosity the complainant imposed false allegation upon him. Applicant is in jail since 09.11.2019 and he is ready to furnish adequate surety and shall abide by all the directions and conditions which may imposed by this Court, the present applicant may be released on bail.

- Per contra, State counsel strongly opposes the bail application.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the fact that he is in jail since 09.11.2019 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.
- 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 said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge