

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 60 of 2021

1. Tarun Bharti S/o Kishan Bharti, Aged About 35 Years, R/o Near Post Office, Dhanpuri Colliery No. 02 Ward No. 04, Chhoti Amlaai, P.S. Amlaai, District Shahdol (M.P.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, P.S. Torwa, District Bilaspur (C.G.).

---- Non-Applicant

For Applicant	:	Ms. Reena Singh, Advocate.
For Non-Applicant/State	:	Ms. Smriti Shrivastava, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16/02/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 23/10/2020 in connection with Crime No. 124/2020 registered at Police Station Torwa, District Bilaspur (C.G.) for the offence under Section 420 of IPC.
- 2) Allegation against the present applicant is that he obtained the sum of Rs. 3 Lakhs from the complainant Rose Minj in the name of getting her job of Staff Nurse in SECL, Bilaspur. When the complainant did not get the said job, she demanded her money back from the applicant on which the applicant threatened her of life and refused to return the money. On report being lodged to the above effect, offence has been registered against the applicant.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant has already returned the entire amount of Rs. 3 Lakhs, complainant has executed an affidavit before the

Trial Court admitting the said fact and raising no objection to release of the applicant on bail. He further submits that the applicant is in jail since 23/10/2020, the offence is triable by Judicial Magistrate First Class, charge sheet has already been filed, applicant has no criminal antecedents and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant, the fact that the applicant has returned the entire amount to the complainant and the complainant has no objection to release of the appellant on bail as is stated by her in the affidavit before the Trial Court, the offence is triable by Judicial Magistrate First Class, charge sheet has already been filed, there is no apprehension of the applicant tampering with the evidence or absconding and that the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 2,00,000/-** with **two** sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

- iv. he 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 Court.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant