

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 296 of 2021

- Rajeev Kumar Saraf S/o Pratapchand Saraf, aged about 42 years, R/o Station Road, Champa, Police Station Champa, District Janjgir-Champa (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : District Magistrate, Janjgir, District Janjgir-Champa (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Prashant Kumar, Shri Santosh Kumar Pandey & Shri Dharendra Pandey, Advocates
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General
For Objector/Complainant	:	Shri Ravindra Sharma, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

18.02.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 04.11.2020 in connection with Crime No. 286/2020 registered in Police Station- Champa, District Janjgir-Champa (CG) for the offence punishable under Sections 420, 467 & 468 of IPC.
2. Prosecution case in brief is that on 04.11.2020 complainant Shabbir Alam Sheikh lodged a report that the present applicant had borrowed an amount of Rs.18,50,000/- from him prior to eight years by promising the complainant that he will pay the same within three days, but the same was not paid by the applicant. The complainant approached the applicant for signing agreement alongwith undertaking on 21.05.2019, however, the applicant provided two cheques of Rs.12,00,000/- & Rs.06,50,000/- to the complainant. The complainant deposited both cheques in the bank but the same got dishonored on account of differences in the signatures and zero balance in the account of applicant.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He also

submits that the applicant is in jail since 04.11.2020, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.

4. On the other hand, learned counsel for the State as well as learned counsel for the objector oppose the bail application.
5. Considering the facts and circumstances of the case, looking to the allegation made against the applicant and dispute between the parties as mentioned in F.I.R. being of civil nature, the detention period of the applicant, charge-sheet has already been filed, conclusion of the trial is likely to take some time, he has no criminal antecedent as admitted by both the counsel and there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- 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 Bench.

Sd/-
(Gautam Chourdiya)
Judge