

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 525 of 2021

1. Mohammad Jabir S/o Rashid, Aged About 30 Years, R/o Lohisar, Tahsil Kama, District Bharatpur (Rajasthan).

---- Applicant

Versus

1. State Of Chhattisgarh Acting Through Officer-In-Charge, Police Station Sarkanda, District Bilaspur (C.G.).

---- Non-Applicant

For Applicant	: Shri K.A. Ansari (Sr. Advocate) with Shri Devesh G. Kela, Advocate.
For Non-Applicant/State	: Shri C. B. Kesharwani, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

10/03/2021

- 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 27/11/2020 in connection with Crime No. 626/2020 registered at Police Station Sarkanda, District Bilaspur (C.G.) for the offence under Section 420 of IPC.
- 2) Case of prosecution, in brief, is that the complainant having seen the advertisement for sale of Atila vehicle on OLX on 23/06/2020 contacted one person namely Sanjay on Mobile and agreed to purchase the vehicle for Rs. 25,000/-. The said person who is resident of Raipur demanded Rs. 3,150/- from the complainant for transporting the vehicle to Bilaspur where the complainant resides. On this the complainant transferred the said amount through PAYTM in the account of Sudhir Beria. However, despite transfer of the amount, the complainant did not get the vehicle. On report being lodged the crime was registered and

during investigation the applicant was arrested in connection with the aforesaid offence.

- 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 is in jail since 27/11/2020, charge sheet has already been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has no criminal antecedent.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 30 years old, the charge sheet has already been filed, offence is triable by Magistrate and the fact that the applicant is the first offender having no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and 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. 50,000/-** with **two** sureties of Rs. 25,000/- 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