

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 113 of 2021

- Rajneesh Datta S/o Subhash Chandra Dutta Aged About 40 Years Resident Of Block No. 4, H.No. 251, Subhash Nagar, P.S. Rajauri, West Delhi, District : West *, Delhi

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Amleshwar, District Durg, District : Durg, Chhattisgarh

--Non-Applicant

For Applicant	:	Shri Raza Ali, Advocate
For Non-Applicant/State	:	Ms. Veena Nair, Dy. A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01/03/2021

1. The applicant has preferred this second bail application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 6.7.2019 in connection with Crime No.100/2017, registered at Police Station- Amleshwar, District -Durg(CG) for the offence punishable under Sections 420, 120-B, 409 of the IPC and Section 3 & 4 of the Chit Fund Act and Section 10 of the Nepekshako ke Hito ka Sanrakshan Adhiniyam.
2. First bail application of the applicant was dismissed as withdrawn vide order dated 26.11.2020.
3. Case of the prosecution is that the applicant being agent of Suvidha Farming and Allied Co. Ltd. along with the co-accused persons induced complainant and others to make deposit in the Schemes of the company promising attractive returns, against which bonds were issued, but the bonds were not honored. Based on this, offence has been registered against the applicant and he has been arrested.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and he has not

committed any offence. He further submits that the applicant has not taken any money from the depositors and on the instructions of Director of the Company he has made the deposits. He submits that the other co-accused persons have been released on bail by the co-ordinate Bench of this Court in MCRC(A) No.399/2018 and MCRC No.3486/2020, the applicant is in jail since 6.7.2019 and conclusion of trial is likely to take some time, therefore, the applicant may be released on bail by this Court.

5. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and further considering the age and detention period of the applicant; charge sheet has been filed and the other co-accused persons have been released on bail by the co-ordinate Bench of this Court; and conclusion of the trial may take some time, without further commenting on merits, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed.
7. It is directed that in the event of the 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:-
8. (a) 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.
(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
(d) 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 this Court.

Sd/-

**(Gautam Chourdiya)
Judge**