

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 670 of 2021

1. Uttara Kumar Dhruw Son Of Toran Singh Dhruw, Aged About 40 Years, R/o Village Sahaspur, Police Station Panduka, District Gariyaband (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Panduka, District Gariyaband (C.G.).

---- Non-Applicant

For Applicant : Mr. Santosh Das, Advocate appears on behalf of Mr. Pushpendra Kumar Patel, Advocate.
For Non-Applicant/State: Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08/03/2021

- 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 19/11/2020 in connection with Crime No. 69/2019 registered at Police Station Panduka, District Gariyaband (C.G.) for the offence under Section 420 of IPC.
- 2) Allegation against the present applicant is that he obtained Rs. 2,60,000/- from the complainant on the pretext of providing him job of Data Entry Operator but the complainant did not get the said job. On report being lodged to the above effect, offence has been registered against the accused.
- 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 19/11/2020, 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, the charge sheet has already been filed, offence is triable by Judicial Magistrate First Class and the fact that the applicant is the young 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 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. 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 Court.

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

Chandrakant