

M.Cr.C. No. 9449 of 2020 & M.Cr.C. No. 484 of 2021

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9449 of 2020

- Manish Jain, S/o Suresh Jain, aged 46 years, R/o Above Axis Bank, Nayapara, Police Station – Bodhghat, Tahsil – Jagdalpur, District Baster (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through Station House Officer, Police Station – Badahnji, District Baster (C.G.)

---- State/Non-applicant

And

M.Cr.C. No. 484 of 2021

- Minakshi Kumari W/o Manas Bharti, aged about 35 years, R/o Gitanjali Nagar, House No. 147, Avanti Vihar, Raipur, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – Police Station – Badanji, District Jagdalpur (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Rajeev Shrivastava, Senior Advocate with Shri Malay Shrivastava, Advocate, appears in M.Cr.C. No. 9449/2020
For Applicant	:	Shri Rohit Sharma, Advocate appears in M.Cr.C. No. 484/2021
For Non-Applicant/State	:	Shri Vimlesh Bajpai, Government Advocate with Shri C.B. Kesharwani, Panel Lawyer appears in both the applications

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

17.02.2021

1. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same Crime No. 48/2020 registered in Police Station- Badahnji, District Baster (CG) for the offence punishable under Section 420/34 of IPC, they are being disposed of by this common order.
2. Prosecution case is that complainant Sonuram had applied for grant of loan of Rs.5,00,000/- from Central Bank of India for establishing Cement Bricks

Medium Scale Industries, but loan of Rs,10,00,000/- was sanctioned for Gobar Gas Plant in place of Cement and Bricks Medium Scale Industries. It is alleged that the present applicants have cheated the complainant by telling him in the said Plant silver-rod was fitted and an amount of Rs.3,60,000/- was paid from the account of the complainant.

3. Learned counsel for the applicants submit that the applicants have been falsely implicated in this crime, they are languishing in jail since 11.12.2020 and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications. He submits that the present applicants were also involved in similar nature of crime i.e. Crime No. 20/2020, registered at Police Station - Badahnji, District Bastar (C.G.) for the offence punishable under Sections 420, 120-B read with Section 34 of IPC and they have been granted anticipatory bail by co-ordinate bench of this Court vide order dated 17.11.2020 passed in MCRA No. 1128 of 2020.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the allegations made against the present applicants, the complainant had applied for loan for establishing the Cement Bricks Medium Scale Industries, but the loan was sanctioned for Gobar Gas Plant and that amount has been transferred in account of the complainant, there is one previous criminal antecedents of the applicants in which they have been granted anticipatory bail by the co-ordinate bench of this Court, offence is triable by Magistrate, First Class, the detention period of the applicants, conclusion of the trial is likely to take some time, and that there is no apprehension of the applicants tampering with the evidence or absconding, without expressing any opinion on merits of the case, the applications are allowed.

6. It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-

- i. they 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. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

7. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

8. In the result, M.Cr.C. No. 9449 of 2020 and M.Cr.C. No. 484 of 2021 are allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge