

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 218 of 2021

1. Chunna Pandit S/o Panchanand Pandit, Aged About 33 Years R/o. Virajpur, Devdhar (Jharkhand).

---- Applicant

Versus

1. State Of Chhattisgarh, Through - The Station House Officer, Police Of Police Station Tarbahar, Tahsil And District Bilaspur (C.G.).

---- Non-Applicant

For Applicant	: Mr. Sumit Singh Rathore, Advocate.
For Non-Applicant/State	: Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

24/03/2021

- 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 20/12/2020 in connection with Crime No. 209/2020 registered at Police Station Tarbahar, Tahsil And District Bilaspur (C.G.) for the offence under Section 420 of IPC.
- 2) Case of the prosecution, in brief, is that on 05/10/2020 complainant Priyanka Dewangan contacted on Customer Care No. 07684976568 of Blue Hard Courier Services and on being asked by the Customer Care employee, she transferred Rs. 10/- for registration and then her addresses and phone numbers were got entered through one App. Any Desk. When the complainant entered the Debit Card number Rs. 80,849/-, Rs. 18,191/- were debited from her Axis Bank Account. On report being lodged to the above effect, offence has been registered against the present applicant. During investigation the accused applicant was arrested.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He further submits that the applicant has been arrested on 20/12/2020, charge sheet has already been filed, applicant has no criminal antecedents and conclusion of trial is likely to take some time for its disposal. Therefore, the applicant deserve to be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicant has no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 33 years old, charge sheet has already been filed, 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 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