

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 360 of 2021

- Kamal Sonwani S/o Gandhiram Sonwani Aged About 30 Years R/o Village- Dhorabhata, Police Station- Hirri, Tehsil- Bilha, District (Revenue And Civil) - Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Pachpedi, District (Revenue And Civil) - Bilaspur, Chhattisgarh

--Non-Applicant

For Applicant	:	Shri V.K. Pandey, Advocate
For Non-Applicant/State	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22/02/2021

1. The applicant has preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 28.11.2020 in connection with Crime No.120/2020, registered at Police Station- Pahpedi, District (Revenue & Civil) -Bilaspur(CG) for the offence punishable under Section 420 of the IPC.
2. Case of the prosecution is that the complainant has lodged a report that the applicant on the assurance of providing him job in police department, had obtained a sum of Rs.1,00,000/- from him. During investigation, statement of the applicant was recorded and he admitted that he has obtained money from the applicant in the name of providing him job. Based on this, the applicant was taken into custody.
3. 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 submits that there is no previous antecedents against the applicant and he had obtained the money from the complainant on loan due to his poor financial condition and as the applicant did not return the amount in time, the

complainant has lodged a false report against him. He submits that the applicant is in jail since 28.11.2020; charge sheet has not been filed and conclusion of trial is likely to take some time, therefore, the applicant may be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that previously one case of similar nature was registered against the applicant vide Crime No.349/2017 at P.S. City Kotwali, District Bilaspur.
5. 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 and looking to the transaction between the complainant and the applicant and as stated by learned counsel for the State one case was registered against the applicant in the year 2017; yet charge sheet has not been filed; and conclusion of trial may take some time, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed.
6. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on the following conditions:-
7. (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