

M.Cr.C. No. 392 of 2021 & M.Cr.C. No. 805 of 2021

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 392 of 2021

- Budhdas Dewangan son of late Amrit Ram, aged about 36 years, R/o Village Kaskela (Junapara), Police Out-post Latori, Police Station Jainagar, District Surajpur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police of Police Out-post Latori, Police Station Jainagar, District Surajpur (C.G.)

---- State/Non-applicant

And

M.Cr.C. No. 805 of 2021

- Rupnarayan Dewangan S/o Shri Devdhari Dewangan, aged about 25 years, R/o Village – Kaskela, Police Chowki – Latori, P.S. Jainagar, Tahsil & District - Surajpur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Police Chowki Latori, Police Station – Jainagar, Tahsil & District Surajpur (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Anil Gulati and Shri Gyan Prakash Shukla, Advocates
For Non-Applicant/State	:	Shri Vimlesh Bajpai, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

10.03.2021

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. 199/2020 registered in Police Station- Out-post Latori, Police Station Jainagar, District Surajpur (CG) for the offence punishable under Sections 420 & 120-B read with Section 34 of IPC, they are being disposed of by this common order.
2. Case of the prosecution in brief is that on 15.04.2019 complainant Smt. Rajpati lodged a written complaint against the present applicants and co-accused Jyotish Nishad that they having formed the woman self help group of getting income monthly, allured the women of self help group of providing

loan from banks for a business of *dona-pattal* & other business and after issuance of laon in their name, the applicants/accused committed cheating with women of self help group/beneficiaries of about Rs. 20,56,386/- for getting illegal gains.

3. Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this crime. They further submit that the money was collected by co-accused Jyotish Nishad from women of self help group. They also submit that the applicants are languishing in jail since 17.12.2020, charge-sheet has been filed 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.
5. Having heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, as per statements of women of self help group all have stated that the present applicants are resident of their village and they introduced co-accused Jyotish Nishad to the women of the village, Jyotish Nishad had collected the money from women of self help group, that as per memorandum statement of Jyotish Nishad, he collected the money from the women of self help group, out of which he gave Rs.18,00,000/- to co-accused Anil Soni and from the remaining amount of Rs.1,50,000/- he purchased a car, there is no allegation against the applicants in the memorandum statement of Jyotish Nishad, offence is triable by Magistrate, the detention period of the applicants who are 25 & 36 years old, charge-sheet has already been filed, conclusion of the trial is likely to take some time, and the applicants have no criminal antecedents as admitted by the counsel for the parties, 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.

7. 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.

8. In the result, M.Cr.C. No. 392 of 2021 and M.Cr.C. No. 805 of 2021 are allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge

vatti