

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 590 of 2021**

- Anil Lakra, S/o Sadaram Lakra, aged about 37 Years, R/o Village Jhirpani (Jhariyakoch), Police Station Jhirpani, District Sundargarh (Orrisa).

----Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Ambikapur, District Surguja (Chhattisgarh).

----Non-applicant

For Applicant	Shri Nishi Kant Sinha, Advocate.
For State	Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

18/03/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 04.12.2020 in connection with Crime No. 95/2020 registered in Police Station- Ambikapur, District Surguja, C.G. for the offence punishable under Sections 419 & 420 of IPC.
2. Prosecution case in brief is that the F.I.R. was lodged against co-accused Jyotish Nishad that he allured several women of self help group of getting interest upto 7,000/- rupees on 20,000/- rupees yearly. He also allured them of providing loan from banks and the loan amount obtained by these women was deposited in his bank account and invested the money in IQ OPTIN share market. The present applicant was arrested on the memorandum of co-accused and he was made an accused in this crime. Only allegation against

the applicant is that he had taken the money from the co-accused and lost the said amount in IQ OPTIN share market. Therefore, the applicant and the co-accused committed cheating with women of self help group/beneficiaries for getting illegal gains.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He further submits that the money was collected by the co-accused from women of self help group and gave some money to the applicant and the applicant had invested the said money which he lost in IQ OPTIN share market. He also submits that the applicant is in jail since 04.12.2020 and conclusion of the trial is likely to take some time. Some other beneficiaries who were allegedly cheated by the applicant and co-accused also lodged report against the present applicant and he has already been granted regular bail by the trial Court in Crime No.29/2020 registered at police station Udaipur, District Surguja, C.G. and by this Court in Crime No.61/2020 registered at police station Darima, Surguja, C.G. in MCRC No.212 of 2021. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, the fact that as per statements of witnesses namely Basmatiya, Bansanti, Badkanoni & others, one Jyotish Nishad had collected the money from women of self help group whereas no money was collected by applicant from them, that as per memorandum statement of the applicant, Jyotish Nishad had collected the money from the women of self help group and the amount of Rs.8,81,130/- provided by Jyotish Nishad to him for

purchasing share which was invested by him in share market, the main allegation is made against Jyotish Nishad & Anil Kumar Soni, that the appellant has already been granted regular bail by this Court and the trial Court in Crime Nos. 29/2020 & 61/2020 respectively arising out of the present case, the detention period of the applicant, who is 37 years old, conclusion of the trial is likely to take some time, he has no criminal antecedent as admitted by both the counsel and there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.

6. 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 Bench.

Sd/-
(Gautam Chourdiya)
Judge