

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 663 of 2021**

- Kishan Banjare, S/o Mahavir Banjare, Aged About 29 Years, R/o Village Kauhakuda, Police Station Ghumka, Tehsil And District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through District Magistrate, Rajnandgaon Chhattisgarh.

---- Non-applicant

For Applicant	:	Shri Rakesh Pandey, Advocate.
For State	:	Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****23/03/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.11/2021 registered at Police Station Khairagarh, District Rajnandgaon, C.G. for the offence punishable under Section 420 of the Indian Penal Code, 1860.
2. Case of the prosecution, in brief, is that the applicant allured complainants Mukesh Kumar of getting him employment in Tata Company Jamshedpur, in Electricity Department and Ajay Kosre of getting him employment in BSP Bhilai on the post of Operator and in lieu thereof, he demanded Rs.2,00,000/- and Rs.1,50,000/- from them respectively. It is alleged that Mukesh Kumar gave total sum of Rs.2,00,000/- to the applicant whereas Ajay Kosre could give

Rs.30,000/- only to the applicant. However, even after lapse of 1 year they could not get any job and when they demanded their money back from the applicant, he kept on avoiding the same. Hence on report being lodged to the above effect, the aforesaid offence has been registered against the applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. The applicant who is 29 years old is in jail since 03.01.2021, charge sheet has already been filed and the conclusion of trial is likely to take some time, therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the detention period of the applicant who is 29 years old, the fact that the applicant has no criminal antecedent and there is no apprehension of his absconding or tampering with the evidence as admitted by both the counsel, charge sheet has already been filed and conclusion of the trial is likely to take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, 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 surety for the like sum amount of Rs.50,000/- 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.

Sd/-
Gautam Chourdiya
Judge