

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 878 of 2021

1. Jakir Momin S/o Md. Fazeel, aged about 27 years
 2. Md. Sajjad Momin S/o Md. Sarfuddin, aged about 20 years
- Both are R/o Village & Police Station Ramkola, District Surajpur (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Basantpur, District Balrampur-Ramanujganj (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Arun Kumar Shukla, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

15.03.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 06.11.2020 in connection with Crime No. 170/2020 registered in Police Station- Basantpur, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 419, 420, 467, 468, 471 & 120B/34 of IPC and Section 66, 66C & 66D of I.T. Act.
2. Case of the prosecution in brief is that on 05.11.2020 a written report was lodged by the complainant to the Police Station stating that on 10.10.2020, the applicants came by Motorcycle to the complainant and projecting themselves as employees of the HDFC Bank obtained her Aadhar Card and bank account number, and thumb impression on the machine in the name of her getting Rs.250/- per day in the event of getting infected by corona virus and Rs.5,00,000/- on her death due to said disease under the Prime Minister Kavach Insurance. When the prosecutrix went bank for withdrawal of amount, she came to know that the applicants have withdrawn Rs.5,000/- from her account through Paytm Wallet. The applicants have also cheated in this manner many villagers.
3. Learned counsel for the applicants submit that the applicants are innocent

persons and have been falsely implicated in this crime. He also submits that the applicants are languishing in jail since 06.11.2020, 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 application. He submits that there is only one criminal antecedent against applicant No.1.
5. Having heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, the fact that offence is triable by Magistrate, the detention period of the applicants who are 20 & 27 years old, charge-sheet has already been filed, conclusion of the trial is likely to take some time, and 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.

Sd/-
(Gautam Chourdiya)
Judge