

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 814 of 2021

1. Manish Sonwani S/o Shri Jhadu Ram Sonwani, Aged About 28 Years, R/o Village Dodaki, Police Station Masturi, Civil And Revenue District Bilaspur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Civil Line, Bilaspur, Civil And Revenue District Bilaspur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Paras Mani Shriwas, Advocate.
For Non-Applicant/State	:	Ms. Seema Dixit, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 04/06/2020 in connection with Crime No. 373/2020 registered at Police Station Civil Line, Bilaspur, District Bilaspur (C.G.) for the offence under Sections 420, 34 of IPC.
- 2) Allegation against the present applicant is that he alongwith his brother Manoj Sonwani fraudulently obtained a sum of Rs. 4 Lakh from the complainant Manish Shukla on 08/02/2017 in writing on stamp paper in the name of getting her employment on the post of Constable (Radio) in Telecommunication Department but did not get him the said employment. On report being lodged to the above effect, offence has been registered against the accused persons.
- 3) Learned counsel for the applicant submits that applicant is an

innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 04/06/2020, charge sheet has already been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. She submits that the applicant has no criminal antecedent.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the agreement executed between the parties on 08/02/2017, the detention period of the applicant who is 28 years old, the charge sheet has already been filed, offence is triable by Judicial Magistrate First Class and the fact that the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal due to COVID-19, without commenting anything on merits of the case, 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** 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 Court.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant