

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 890 of 2021**

- Ghanshyam Das Manikpuri, S/o Mohandas, aged about 35 Years, R/o Village - Khandongari, Police Station - Kabir Nagar, Raipur, District - Raipur (C.G.), Present Address - Chilhati, Dhanwarpara, Police Station - Sarkanda, District – Bilaspur, Chhattisgarh.

**----Applicant****Versus**

- State of Chhattisgarh, Through - Station House Officer, Police Station - Rajim, District – Gariyaband, Chhattisgarh.

**----Non-applicant**


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| For Applicant | Shri Dharmesh Shrivastava, Advocate.    |
| For State     | Shri Sameer Uraon, Government Advocate. |

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**Hon'ble Shri Justice Gautam Chourdiya****Order on Board****15/03/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.212/2020 registered at Police Station- Rajim, District Gariyaband, C.G. for the offence punishable under Section 420, 34 of Indian Penal Code.
2. Allegation against the present applicant by the complainant- Yashwant Kumar Sahu is that applicant in association with co-accused Sushil Sahu demanded a sum of Rs.2,00,000/- for getting him employment in Labour Department as Assistant Grade-III. It is alleged that the complainant deposited a sum of Rs.10,000/- in the account of the applicant in Canara Bank, Rajim

and thereafter complainant was directed to join at Urga Hospital, Korba. Then, complainant also paid a sum of Rs.30,000/- to present applicant and after a short period he again gave him Rs.1,10,000/-. It is further alleged that the complainant and his wife worked for 5 months in the hospital but no salary was given to them. On the basis of the written complaint, the police registered an offence against the present applicant and apprehended him.

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 05.01.2021, charge sheet has already been filed and 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 nature of allegations made against the applicant, the detention period of the applicant, who is aged 35 years, charge sheet has already been filed, the offence is triable by Magistrate, the fact that the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the 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.50,000/- with two sureties of Rs.25,000/- 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.

Sd/-  
Gautam Chourdiya  
Judge

Akhilesh