

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 1003 of 2021**

- Satyanarayan Dubey S/o Lakshman Prasad Dubey, aged about 52 years, R/o village- Kuruwa, Police Station- Singhanpuri Jungle, Tahsil-Sahaspur Lohara, District Kabirdham, Chhattisgarh

-----Applicant

VERSUS

- State of Chhattisgarh through: District Magistrate Kabirdham, District Kabirdham, Chhattisgarh

-----Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Advocate
For Respondent- State	: Mr. Vikram Sharma, Deputy G.A.

Hon'ble Shri Parth Prateem Sahu, Judge***(proceedings through video conferencing)*****ORDER****18/06/2021**

1. Applicant has preferred this **First Bail Application** under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No.03/2020 registered at Police Station Taregaon Jungle, District Kabirdham (C.G.) for the offence punishable under Sections 420, 34 of IPC.
2. Case of the prosecution is that the present applicant had taken amount from different villagers of the area projecting himself to be an agent of an Insurance Company and he would process the loan for horticulture, housing loan, pisciculture, adhar loan etc. under the Pradhan Mantri Mudra Yojna Scheme. For processing the loan application of different villagers, applicant has obtained money towards down payment for opening of bank account. As per allegation, he visited the place and houses of victims along with his wife, brother and son, obtained the money and get it deposited in the bank account of the applicant and

other persons associated to him. Dhurva Nagesh lodged written complaint on 25.01.2020, based on which, present crime was registered against the present applicant.

3. Mr. Dharmesh Shrivastava, learned counsel for the applicant submits that on the basis of similar nature of allegation levelled against the present applicant by some other villagers, crime bearing no. 01/2020 was registered under Section 420 of IPC and the applicant was arrested in that crime on 29.01.2020, since then applicant is continuously in jail. Though, in present crime, arrest of present applicant has been shown only on 21.12.2020. He further submits that the applicant had moved an application bearing MCRC No. 7195/2020 for grant of temporary bail as he was suffering from Covid-19, said application was allowed on 21.01.2021 but the bail order passed by co-ordinate bench of this Court could not be furnished. He further submits that the allegation levelled against the present applicant is false and baseless. Applicant has not collected money of Rs. 11 Lac as alleged against him. He also referred the statement of Dhruva Nagesh, complainant in this case, wherein he has stated that two blank cheques were issued to the applicant but those cheques issued to the applicant were not submitted for withdrawal of any amount. He further submits that after investigation, police has submitted charge-sheet in this crime, there is no requirement of any custodial interrogation. He submits that considering the period of detention, the applicant may be enlarged on bail.
4. Mr. Vikram Sharma, learned counsel representing the State, while opposing the submissions made by learned counsel for the applicant submits that the applicant has cheated poor illiterate villagers and grabbed about 11 Lac rupees from them. Offence committed by the present applicant is serious, hence, he is not entitled for benefit of

Section 439 of CrPC.

5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegations levelled against the present applicant, statement of complainant Dhruva Nagesh, written complaint lodged on 25.01.2020, letter written by the Superintendent of Jail on 09.10.2020 filed at page no. 19 showing the detention of applicant since 29.01.2020, though in crime no. 01/2020 for offence under Section 420 of IPC, offences are triable by the Magistrate and the trial may take some time, without commenting anything on merits, I am inclined to enlarge the applicant on bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge