

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 970 of 2021

1. Kamlesh Tamrakaar S/o Late Shri Ganga Ram Tamrakaar Aged About 40 Years R/o Atal Awas, Jenjara, Katghora, District Korba, Chhattisgarh., District : Korba, Chhattisgarh
2. Sanni Raj S/o Late Shri Arvind Jangde Aged About 32 Years R/o Quarter No. 189, Pragati Nagar, Deepika, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station- Katghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-Applicant

For Applicants	:	Shri Kishore Bhaduri and Shri Sabyasachi Bhaduri, Advocates
For Non-Applicant/State	:	Shri Sameer Uraon, G.A.

Complainant- Sanjay Jaiswal is present in person before this Court.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

16/02/2021

1. The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in custody in connection with Crime No.08/2021, registered at Police Station- Katghora, District Korba(CG) for the offence punishable under Sections 420, 34 of the IPC.
2. Case of the prosecution is that the complainant has lodged a report that the applicants are Sales Executive and Market Developer of Narmada Drinks Pvt. Ltd and they sent a whatsapp message of Mahurat billing scheme for getting incentives on the products to his wife- Smt. Laxmi Jaiswal, who is proprietor of M/s. Jayant Agency and obtained Rs.1,00,000/- from her through a Bank transaction, but they did not supply the products nor returned the money.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have not committed any offence. He further submits wife of the complainant is running a business and in furtherance of commercial relations, she has transferred the amount of Rs.1,00,000/- in the account of the applicants through bank, but now the matter has been settled. He submits that the offence is triable by Magistrate and conclusion of the trial is likely to take some time, therefore, the applicants may be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applciant/State opposes the bail application.
5. The complainant- Sanjay Jaiswal, present in person before this Court on being asked, stated that the dispute has been settled and he has no objection in releasing the applicants on bail.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and looking to the statement of complainant- Sanjay Jaiswal that the dispute has been settled and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed.
7. It is directed that in the event of the each of the applicants 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, they shall be released on bail, on the following conditions:-
8. (a) 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 them from disclosing such fact to the Court.

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) 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