

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1567 of 2021

- Deepak Kumar Banjare @ Deeplal Banjare, S/o Late Amarlal Banjare, aged about 34 years, Caste-Satnami, R/o village Kanimera, Police Station & Tahsil Chhuikhadan, District Rajnandgaon (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through Station House Officer, Police Station-Khairagarh, District- Rajnandgaon (CG).

....Non-applicant

For Applicant	:	Mr. Abhishek Sharma, Advocate
For Non-applicant	:	Ms. Anjali S Chouhan, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

7.7.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 21.1.2021 in connection with Crime No.34/2021 registered at Police Station Khairagarh District Rajnandgaon (CG) for commission of offence punishable under Section 420 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the present applicant went to the house of complainant Mannuram and stated to him that he is having contacts in the Health Department and as his son is pursuing Nursing course, he can manage to provide employment to his son in the Health Department, for which he is required to pay Rs.4 Lakhs. On the basis of said assurance given by present applicant, the complainant paid Rs.2 Lakhs

to him on 24.8.2020 and thereafter further amount of Rs.2 Lakh was given to the applicant. However, when even after lapse of much time the applicant failed to arrange employment to the son of complainant in the Health Department, a written report was lodged on 20.1.2021 based on which instant crime was registered against the applicant.

3. Mr. Abhishek Sharma, learned counsel for the applicant would submit that allegation levelled against present applicant is false and baseless. He submits that the police has seized an agreement entered between the complainant's son and present applicant under which loan amount was given to the applicant and he agreed to repay loan of Rs.4 Lakh taken by him from the complainant by 15.9.2020. Since the present applicant failed to return loan amount within time, the instant false complaint has been lodged against him. He further submits that no document of any nature has been seized from the possession of present applicant. According to complainant, he has arranged Rs.4 Lakh by selling his agriculture land, but no document showing the aforesaid fact is seized by the police, which itself shows that the complaint is false & frivolous. He further submits that the applicant is in jail since 21.1.2021, charge sheet has already been filed, the offence is triable by the Magistrate and conclusion of trial may take some time. Hence, applicant may be granted regular bail.
4. Per contra, Ms. Anjali S Chouhan, learned State Counsel opposes the submissions made by learned counsel for applicant and submits that the applicant has grabbed hard-

earned money of the complainant, who is a poor agriculturist. He gave money to the applicant by selling his agriculture land. The applicant has cheated the complainant, hence he is not entitled to be released on regular bail.

5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations, the fact that the complainant's son and present applicant had entered into an agreement in respect of loan of Rs.4 lakhs to applicant, the applicant is in custody since 21.1.2021, charge sheet has already been filed and the disposal of trial may take some time, without commenting anything on merits of the case, I am inclined to allow this bail application.
7. Accordingly, the application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) he shall not, in any manner, tamper with the prosecution witnesses.
 - c) If applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-