

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 1698 of 2021

- Bharat Rajdev, S/o Chandulal Rajdev, Aged About 63 Years, R/o- Budhapara, District- Raipur, Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through: Station House Officer City Kotwali Raipur, District- Raipur, Chhattisgarh. ---- **Non-Applicant**

For Applicant : Shri Siddharth Rathod, Advocate
For Non-Applicant/State : Shri Ayaz Naved, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

18.06.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 19.12.2020 in connection with Crime No.17/2020 registered at Police Station- City Kotwali, District- Raipur (C.G.) for the offence punishable under Section 420 of I.P.C.
- 2) Case of the prosecution, in brief, is that the present applicant in the name of doing business with the complainant, fraudulently obtained Rs. 30 lakh and 5 thousand (cash) and issued three cheques in favour of the complainant which was subsequently dishonored due to insufficient balance in the bank account of present applicant.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the present applicant is 63 years old, he is first offender. Charge-sheet has already been filed, the applicant and the complainant had executed business agreement, the applicant has no criminal antecedents, there is no likelihood of

the applicant tampering with the prosecution evidence, the applicant is in jail since 19.12.2020 and due to Covid-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, nature of allegation, agreement between the parties, the detention period of the applicant, who is 63 years old and the fact that charge-sheet has already been filed, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to Covid-19 pandemic conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the applicant executing a personal bond for a sum of Rs.4,00,000/- with two sureties of Rs. 2,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on 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 strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,
 - (v) he shall not involve himself in any offence of

similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim