

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1974 of 2021

1. Rajkumar Sahu S/o Mangluram Sahu, Aged About 40 Years, R/o Ward No 12 Amlipara, Khairagarh Police Station And Tahsil Khairagarh, District Rajnandgaon (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Khairagarh, District Rajnandgaon (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Shubham Tripathi, Advocate.
For Non-Applicant/State	:	Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 05/07/2020 in connection with Crime No. 231/2020 registered at Police Station Khairagarh, District Rajnandgaon (C.G.) for the offence punishable under Sections 420 of Indian Penal Code, Section 3, 4 & 5 of Chit Fund Money Circulation Act and Section 10 of Chhattisgarh Protection of Depositors Act.
- 3) Allegation against the present applicant is that he with other co-accused allured the complainant and other persons for making investment in Sarvoday Multitrade Limited Company and thus obtained Rs. 18 Lakh from them. However, subsequently the applicant closed the office. In this way the applicant with other co-accused have fraudulently cheated the complainant and other persons for illegal gains.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that similarly situated co-accused Kamlesh Kothle has already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 23/02/2021 in MCRC No. 9083/2020. He further submits that the applicant has been arrested on 05/07/2020, charge sheet has been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the applicant be released on bail on ground of parity.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has no criminal antecedent.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant who is 40 years old, charge sheet has already been filed, the offence is triable by Magistrate First Class, the fact that the applicant is a first offender having no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that **co-accused** has already been released on bail by the Co-ordinate Bench of this Court and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- 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 strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./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**

Chandrakant