

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 1906 of 2021

- Avi Gumber, S/o Surendra Singh Gumber, Aged About 22 Years, R/o Ward No. 08, Punjabipara, Bemetara, District- Bemetara, Chhattisgarh. **---- Applicant**

Versus

- The State of Chhattisgarh, Through- Station House Officer, Police Station Bemetara, District- Bemetara, Chhattisgarh.

---- Non-Applicant

For Applicant	:	Ms. Sharmila Singhai, Sr. Adv. and Ms. Taniya Mondal, Advocate
For Non-Applicant/State	:	Mr. Anand Verma, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08.06.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 14.02.2021 in connection with Crime No. 90/2021, at Police Station- Bemetara, District- Bemetara (C.G.) for the offence punishable under Section 384 of IPC and 4 of C.G. Protection of Debtors Act, 1937.
2. Case of the prosecution, is that, on 02.02.2021, the complainant named Venkateshwar Verma lodged a report at police Station- Bemetara that on 11.11.2021 he had taken Rs. 20,000/- cash on credit and in lieu thereof he returned Rs. 56,000/- to the applicant. Likewise on 11.12.2020 he had taken Rs. 8,000/- from the applicant and in lieu thereof paid Rs. 28,000/- with interest to the applicant even thereafter the present applicant demanded Rs. 2,50,000/- and took one blank cheque from the complainant. On report being made by the complainant to the above referred

offences have been registered against the present applicant.

3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated. He submits that the present applicant is young offender aged about 22 years. The prosecution has failed to adduce any documentary evidence regarding payment of Rs. 56,000/- and Rs. 28,000/- to the applicant. The ingredients of the Section 384 of IPC are missing, the present applicant is in jail since 14.02.2021 and that the applicant/accused has no criminal antecedents except the similar cases registered on the same day, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents except other FIR registered on the same day.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and detention period of the applicant, who is 22 years old, it is true that offence under Section 306 of IPC has also been registered against the present applicant in other crime number, but looking to the fact that charge-sheet in this case has been filed, there is no progress in trial due to COVID-19 situation, the offence is triable by Magistrate, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and 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.1,00,000/- with two sureties of Rs. 50,000/- 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

**(Gautam Chourdiya)
Judge**

Nadim