

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2162 of 2021

1. Ganga Ram S/o Late Jagan Ram, Aged About 40 Years, R/o Village Mansukh, Police Station Baikunthpur, Tahsil Baikunthpur, District Koriya (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Khadgavan, District Koriya (C.G.).

---- Non-Applicant

For Applicant : Mr. Kaushal Yadav, Advocate.

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

21/06/2021

- 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 12/02/2021 in connection with Crime No. 43/2021 registered at Police Station Khadgavan, District Koriya (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
- 3) Allegation against the present applicant is that he fraudulently obtained Rs. 31,000/- from complainant Rajendra and Rs. 26,000/- from one Kamla Kurre i.e. total Rs. 57,000/- on the pretext of providing them loan from the bank on concessional rate but neither any loan was sanctioned in their name nor the money so obtained by him was returned to them.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that FIR has been lodged with a delay of 1 year, applicant is in jail

since 12/02/2021, charge sheet has been filed, there is no criminal antecedents against the applicant and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 5) On the other hand, learned counsel for the respondent/State opposes the bail application. However, she submits that applicant has no criminal antecedents.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the detention period of the applicant who is 40 years old, charge sheet has already been filed, offence is triable by Magistrate, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel 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/- each 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