

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 2211 of 2021

1. Kanchan Kushwaha, D/o Shri Shyam Narayan Kushwaha, Aged About 24 Years
2. Anjani Kushwaha, W/o Shri Shyam Narayan Kushwaha, Aged About 44 Years,

Both are R/o Torwa, In Front of Radhekrishna Temple, P.S. Torwa, Tehsil and District- Bilaspur, Chhattisgarh. ---- **Applicants**

Versus

- State of Chhattisgarh, Through P.S. Torwa, District : Bilaspur, Chhattisgarh. ---- **Non-Applicant**

For Applicants	:	Shri Ashutosh Trivedi, Advocate
For Non-Applicant/State	:	Shri Adil Minhaj, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17.06.2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 12.02.2021 in connection with Crime No.57/2021, registered at Police Station- Torwa, District-Bilaspur (C.G.) for the offence punishable under Section 420/34 of I.P.C.
- 2) Case of the prosecution, in brief, is that the present applicants in the name of procuring Dona Patta machine alongwith Spice Grinder machine to the complainant, fraudulently obtained Rs.2,00,000/-, two Gold bangle, one ring, ear tops and half kilogram Silver.
- 3) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. It is further submitted that charge-sheet has already been filed, the applicants who are 24, 44 years women have no criminal

antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, the applicants are in jail since 12.02.2021 and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application and submits that the present applicants have cheated the complainant in the name of procuring machines etc, however, the applicants have no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, charge-sheet has already been filed, the detention period of the applicants, who are 24 and 44 years old and the fact that the applicants have 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 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 each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-
 - (a) they 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,
 - (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
 - (d) they shall not involve themselves in any offence of similar nature in future,

- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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

Sd/-
(Gautam Chourdiya)
Judge

Nadim