

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2566 of 2021

- Nirmal Dhaneliya S/o Late Ramcharan Dhaneliya, Aged about 34 years, R/o 7 Bhai Ji Road, Laxmi Ganj, Gwalior (M.P.), Present Address Maya Enclave 06, Lamba Kheda Road, Bhopal, District Bhopal (M.P.)

---- Applicant

Versus

- State of Chhattisgarh, through P.S. - Darri, District - Korba (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Pawan Kesharwani, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

09.06.2021

1. The application is heard through Video Conferencing.
2. The applicant has preferred this third bail application under Section 439 of Cr.P.C. as he is in jail since 25.08.2017 in connection with Crime No. 43/2016 registered in Police Station- Darri, District Korba (CG) for the offence punishable under Sections 420, 406, 467 & 120-B of IPC; Sections 4, 5 & 6 of Prize Chits and Money Circulation Schemes (Banning) Actn 1978 and Section 10 of Protection of Depositors Interest Act, 2005.
3. The first bail application of the applicant was dismissed as withdrawn by the coordinate bench of this Court vide order dated 24.10.2018 passed in M.Cr.C. No. 5433 of 2018. However, the said Court directed the trial Court to expedite and conclude the trial in accordance with law as early as possible from the date of receipt of certified copy of that order.
4. On 18.02.2020, the second bail application of the applicant was also rejected by the coordinate bench of this Court on merits in M.Cr.C. No. 356 of 2020.
5. Prosecution story in brief is that complainant Dilip Kumar Khunte, Shyam Kumar Patel, Ashok Kumar Nirmalkar, Ramesh Gupta, Krishna Kumar Patel

and Ajay Kumar Rathore had invested handsome amount in Shri Ram Real Estate Company. The applicant and other co-accused persons were Directors in that company. Thereafter, they closed that company and did not return the amount to the depositors. Complainant Dilip Kumar Khunte had invested Rs.23 lacs in that company.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that material witnesses have been examined who did not say against the applicant. He submits that the applicant is languishing in jail since 25.08.2017 for about more than three years & six months and conclusion of the trial is likely to take some time. He also submits that the co-accused namely Sanjay Mewad has been granted bail by the coordinate bench of this Court vide order dated 28.08.2020 passed in M.Cr.C. No. 4568 of 2020. Therefore, the applicant be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application.
8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the detention period of the applicant i.e. 25.08.2017 for about more than three years & six months he is in jail, due to covid-19 pandemic, conclusion of the trial is likely to take some, the applicant has no criminal antecedent as admitted by both the counsel, there is no apprehension of the applicant tampering with the evidence or absconding, and that the co-accused has already been granted regular bail by the coordinate bench of this Court, without expressing any opinion on merits of the case, the bail application is allowed.
9. It is directed that in the event of applicant 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, he shall be released on bail on the following conditions:-

- 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/her from disclosing such fact to the Court.
- he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- he shall not involve himself in any offence of similar nature in future.

10. 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 nature of offence.

Sd/-

(Gautam Chourdiya)
Judge