

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3102 of 2021**

1. Nitesh Lahre S/o Heeraram Lahre, Aged About 35 Years, R/o Village Uslapur, Police Station Sakri, District Bilaspur, Chhattisgarh.
2. Smt. Priyanka Lahre W/o Atul (Wrongly Mentioned As Atul Abhishek) Rathore, Aged About 28 Years R/o Uslapur, Police Station Sakti, District Bilaspur Chhattisgarh. (Wrongly Mentioned As 22 Sant Marg, Gandhi Nagar, Indore (M.P.) Present Address Village Khamhariya, Police Station Jarhagaon, District Mungeli, Chhattisgarh.
3. Abhishek (Wrongly Mentioned As Abhishek Atul) Rathore S/o Shri Mahendra Rathore Aged About 34 Years R/o 22 Sant Marg, Gandhi Nagar, Indore (M.P.) (Wrongly Mentioned As Present Address Village Khamhariya, Police Station Jarhagaon, District Mungeli, Chhattisgarh.

----Applicants**Versus**

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

---- Non-Applicant

For Applicants	:	Mr. Dharmesh Shrivastava, Advocate.
For Non-Applicant/State	:	Mr. Adil Minhaj, Govt. Advocate.
For Objector	:	Mr. Raza Ali, Advocate.

MCRC No. 2468 of 2021

1. Anuj Gupta S/o Late Shri Ram Nivas Gupta, Aged About 38 Years, R/o Chandni Chowk, Mayapur, Ambikapur, Tehsil And District Ambikapur, District Surguja, Chhattisgarh.

----Applicant**Versus**

1. State Of Chhattisgarh, Through Station House Officer, Police Station Jarhagaon, District Mungeli, Chhattisgarh.

---- Non-Applicant

For Applicant	:	Mr. Ranbir Singh Marhas, Advocate.
For Non-Applicant/State	:	Mr. Adil Minhaj, Govt. Advocate.
For Objector	:	Mr. Raza Ali, Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

14/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) Since both the applications arise out of the same crime number, they are being disposed of by this common order.
- 3) Applicants have filed these First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as applicants are in jail since 14/04/2021 & 12/03/2021 respectively in connection with Crime No. 58/2021, registered at Police Station Jarhagaon, District Mungeli (C.G.) for the offence under Sections 420, 120-B, 467, 468, 212, 34 of Indian Penal Code.
- 4) Case of the prosecution, in brief, is that complainant Abhishek Gajalwar made a written complaint at Police Station-Jarhagaon that he contacted applicant Priyanka Lahre in February, 2019 for the purpose of some job, on which she demanded Rs.3 lacs and thereafter, he gave Rs. 2 lacs advance to co-accused Atul and on joining letter being received by him, Rs. 1 lac was given to Priyanka Lahre. However, no job was provided to him and the applicants in conspiracy with each other have committed cheating and fraud with the complainant. On report being lodged to the above effect, the aforesaid offences have been registered against the applicants.
- 5) Learned counsel for the applicants in all the applications submit that the applicants are innocent persons and have been falsely implicated in this case by the complainant Abhishek Gajalwar in connivance with Piyush Tiwari who has also lodged FIR against them bearing Crime No. 14/2021, registered at Police Station Jarhagaon, District Mungeli (C.G.) for the offence under Sections 420, 120-B, 212, 34 & 468 of Indian Penal Code. It is submitted that applicant Priyanka Lahre lodged a report on 03/01/2020 against the complainant Piyush Tiwari for the offence under Section 376, 384 & 420 of IPC. The applicants are in jail since

14/04/2021 and 12/03/2021, charge sheet has been filed and due to Covid-19 Pandemic conclusion of trial is likely to take some time for its disposal. Therefore, the applicants deserve to be released on bail.

- 6) On the other hand, learned counsel for the respondent/State as well as Objector opposes the bail applications.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, the nature of allegations and counter allegations against the applicants and the complainant party, the detention period of the applicants, charge sheet has been filed and there is no apprehension of the applicants 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 applications are **allowed**. It is directed that in the event of **each** of the applicants executing a personal **bond** for a sum of **Rs. 50,000/-** with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-
 - i. 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,
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial,
 - iii. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
 - iv. they shall not involve themselves 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 applicants involving themselves in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant