

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3087 of 2021

- Anil Soni son of Shri Rajkumar Soni, aged about 31 years, Occupation- Private Job, R/o. Mohalla Darripura, Police Station and Tehsil – Bhaiyathan, District Surguja (C.G.), Haal Mukaam – Mission Chowk Kedarpur, Thana and Tehsil- Ambikapur, District Surguja (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through The District Magistrate Surguja, District Surguja (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Sumit Singh Rathore, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.07.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 28.11.2020 in connection with Crime No. 61/2020 registered in Police Station- Darima, District Surguja (CG) for the offence punishable under Sections 419 & 420/34 of IPC.
2. Prosecution case in brief is that the F.I.R. was lodged against co-accused Jyotish Nishad that he allured several women of self help group of providing business opportunities of small village industry (Gramin Udyog). He also allured them of providing loan from banks and the loan amount obtained by these women was deposited in his bank account and invested the money in IQ OPTIN share market. The present applicant was arrested on the memorandum of co-accused Jyotish Nishad and he was made an accused in this crime. Only allegation against the present applicant is that he had taken the money from the co-accused and lost the said amount in share market. Therefore, the applicant and the co-accused committed cheating with women of self help group/beneficiaries for getting illegal gains.
3. Learned counsel for the applicant submits that the applicant is an innocent

person and has been falsely implicated in the crime in question. He further submits that the money was collected by the co-accused Jyotish Nishad from women of self help group and gave some money to the applicant and the applicant had invested the said money which he lost in share market. He also submits that the applicant is in jail since 28.11.2020 and charge-sheet has been filed, conclusion of the trial is likely to take some time, therefore, the applicant be released on bail. He also submits that another co-accused namely Anil Lakra has already been granted regular bail by this Court vide order dated 17.02.2021 passed in M.Cr.C. No. 212 of 2021.

4. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant has one criminal antecedents.
5. Considering the facts and circumstances of the case, the fact that as per statements of witnesses namely Basmatiya, Bansanti, Badkanoni & others, all are stated that one Jyotish Nishad had collected the money from women of self help group and regarding present applicant, no any money was collected by him from them, co-accused Jyotish Nishad was collected the money from the women of self help group and the amount provided by Jyotish Nishad to the present applicant for purchasing share, the said amount was used by the applicant in share market, only allegation made against Jyotish Nishad, and that the detention period of the applicant, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time, further considering that co-accused namely Anil Lakra has already been granted regular bail by this Court, without expressing any opinion on merits of the case, the bail application is allowed.
6. It is directed that in the event of 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 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

vatti