

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3109 of 2021

1. Sameer Mishra Son Of Chhotelal Mishra, Aged About 28 Years, Caste Bramhan, Resident Of Sarkanda, Bilaspur, District Bilaspur (C.G.).

---- Applicant

Versus

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

---- Non-Applicant

For Applicant : Mr. Goutam Khetrapal, Advocate.

For Non-Applicant/State : Mr. Priyanshu Gupta, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09/07/2021

- 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 18/04/2021 in connection with Crime No. 34/2021 registered at Police Station Deepka, District Korba (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
- 3) Allegation against the present applicant is that he fraudulently obtained total sum of **Rs. 1 Lakh** from the complainant Rishi Kumar Kaushik on 19/03/2016 & 29/03/2016 on the pretext of providing him employment in Railway Department. However, no such employment provided to the complainant nor his money was returned to him by the applicant. On report being lodged to the above effect, the aforesaid offence has been registered against the applicant.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that applicant is in jail since 18/04/2021, 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 State opposes the bail application. He submits that case dairy is not yet available with him.
- 6) On 17/05/2021, this bail application was admitted and case dairy was called for. However, despite passing of almost 2 months, the State Counsel is unable to get case dairy from the concerned SHO.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, looking to the amount alleged to have been obtained by the applicant from the complainant dishonestly, the incident happened on 2016, the detention period of the applicant who is 28 years old, charge sheet has already been filed, offence is triable by Judicial Magistrate First Class, the fact that the applicant has no criminal antecedents as admitted by applicant Counsel 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. 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:-
 - 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