

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3329 of 2021

1. Koushal Kumar Sonkar S/o Raj Kumar Sonkar, Aged About 35 Years R/o Village Lal Matvada, Police Station Kanker, District Kanker (C.G.).

---- Applicant

Versus

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

---- Non-Applicant

For Applicant	:	Mr. Mukesh Shrivastava, Advocate.
For Respondent/State	:	Mr. Ayaz Naved, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

10/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) Heard on admission.
- 3) The application is admitted for hearing.
- 4) With the consent of the parties, the matter is heard finally.
- 5) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 27/04/2021 in connection with Crime No. 126/2019 registered at Police Station Kanker, District Kanker (C.G.) for the offence under Section 420 of IPC.
- 6) Allegation against the present applicant is that he procured appointment on the post of Constable in District Force, Kanker suppressing the fact regarding his earlier service in 7th Battalion District Armed Force, Bhilai and thus obtained salary from both the units in December 2008. In this way the applicant by playing fraud has caused financial loss to the State Exchequer.

- 7) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant has been arrested on 27/04/2021 and trial is likely to take some time for its disposal due to Covid-19 Pandemic. Therefore, the applicant deserves to be released on bail.
- 8) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 9) Heard learned counsel for the parties.
- 10) Considering the facts and circumstances of the case, the detention period of the applicant who is of 35 years old, offence is triable by Magistrate First Class and the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and the trial is likely to take some time for disposal due to Covid-19 Pandemic, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant 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, 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