

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3267 of 2021

- Suraj Kumar Shukla S/o Shri Ram Achal Shukla, Aged about 25 years, R/o Bhawanigarh, Post – Meghamau, Police Station – Baldirai, District Sultanpur (U.P.)

---- Applicant

Versus

- State of Chhattisgarh, Through – the Station House Officer, Police Station – Tendukona, District - Mahasamund (C.G.)

---- State/Non-Applicant

For Applicant : Shri Rishi Rahul Soni, 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. Heard.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 01.04.2021 in connection with Crime No. 177/2015 registered in Police Station- Tendukona, District Mahasamund (CG) for the offence punishable under Section 420/34 of IPC.
3. As per case of the prosecution, the present applicant alongwith other co-accused persons has obtained certain amount from the complainant for providing the Government Job and thereby committed the said offence.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He submits that the entire amount has been returned to the complainant and thereafter, compromise petition has been filed, which was rejected by the trial Court which would be evident from the order-sheet dated 02.05.2016 marked as Annexure-A/4 in the present bail application. He further submits that the applicant has no criminal

antecedents, he is languishing in jail since 01.04.2021 and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail. He also submits that co-accused namely Chintaram has already been granted regular bail by the coordinate bench of this Court vide order dated 20.06.2016 passed in M.Cr.C. No. 2404 of 2016 marked as Annexure-A/3 in the present bail application.

5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Having regard to the facts and circumstances of the case, the fact that the applicant has returned the entire amount to the complainant and thereafter they have entered into the compromise and the complainant has received the entire amount, considering the detention period of the applicant who is 25 years old, the fact that there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, further that co-accused Chintaram has already been granted regular bail by the coordinate bench of this Court, without commenting anything on merits of the case, the application is allowed.
8. 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 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/her 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.
9. 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

vatti