

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.3140 of 2021**

Ashok Sinha S/o Late Bhulau Ram Sinha, Aged About 59 Years R/o Village Mongrapali, Police Station Jonk, Tehsil And District Nuapada (Odisha)

---- Applicant**Versus**

State Of Chhattisgarh, Through S H O, Police Station Civil Lines, Raipur District Raipur Chhattisgarh.

---- Non-Applicant

For Applicant:	Shri BD Guru, Advocate.
For Non-Applicant/State:	Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board through Video Conference**02.09.2021**

1. The Applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.122/2021 registered at Police Station Civil Lines, District Raipur, C.G. for the offence punishable under Sections 420, 467, 468 and 471/34 IPC.
2. Allegation against the present Applicant is that his account has been used by the Co-accused Ganga Ram Sinha and Neha Parveen posted at Municipal Corporation, Raipur who have manipulated the municipal records therein illegally and withdrew an amount of Rs.71,18,961/-.
3. Learned Counsel for the Applicant submits that the Applicant has no connection with the crime in question at all and has been

falsely implicated in the same for which, he is in jail since 25.03.2021 and that there is no incriminating material against him which may hold him guilty for the commission of offence punishable under Sections 420, 467, 468 and 471/34 IPC.

4. On the other hand, learned State Counsel opposed the bail application.

5. I have heard learned Counsel for both the parties and perused the case diary.

6. Ganga Prasad Sinha, Assistant In-charge and Neha Parveen, Computer Operator prepared the forged bill and deposited the amount in the name of their relatives Devkumari Sinha, Shubham Sinha, Ashok Sinha, Sarvari Begam, Nigar Parveen and others. Allegation against the applicant is that Rs.17,97,001/- was deposited in his account during the period from 9.6.2017 to 7.12.2020. But there is no any allegation against the present applicant that he prepared any forged bill or signed any document or acted in collusion with Ganga Prasad Sinha and Neha Parveen. Other co-accused person namely Satanand @ Sattu Parmar has been granted regular bail by this Court vide order dated 4.8.2021 passed in MCRC No.4747/2021 and co-accused Khalida Akhtar, Sarwari Begum and Nigar Parveen have been granted anticipatory bail by the co-ordinate Bench of this Court vide order dated 9.8.2021 passed in MCRCA Nos. 799/2021, 801/2021 and 802/2021 respectively.

7. Thus, considering the facts and circumstances of the case, looking to the nature of allegations made against the present applicant, the detention period of the applicants who is 59 years old, other co-accused, named above, have already been granted regular bail by this Court and anticipatory bail by the co-ordinate Bench of this Court; charge sheet has already been filed; there is no criminal antecedents of the applicant or any likelihood of his tampering with the evidence or absconding as admitted by both the counsel and

due to COVID-19 pandemic conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lac) 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.

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 any offence in future.

Sd/-

Gautam Chourdiya
JUDGE