

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5482 of 2021

1. Kamalnarayan Dewangan S/o Jageshwar Dewangan, Aged About 36 Years, R/o Ghiwra, Police Station Kharora, District Raipur (C.G.).

----Applicant

Versus

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

---- Non-Applicant

For Applicant	:	Mr. Kishore Narayan, Advocate.
For Non-Applicant/State	:	Mr. Adil Minhaj, Govt. Advocate.

MCRC No. 3165 of 2021

1. Deepak Vishwakarma S/o. Shri Arun Vishwakarma, Aged About 21 Years, R/o Village Kapsada, P.S. Dharsiwan, District Raipur (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through The P.S. Kharora, District Raipur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. N. Naha Roy, Advocate.
For Non-Applicant/State	:	Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order On Board

17/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) Since both the applications arise out of the same crime number, they are being disposed of by this common order.
- 3) **MCRC No. 5482 of 2021**: This is the **Second Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 9231/2020 was dismissed

as withdrawn on 17/06/2021.

- 4) **MCRC No. 3165 of 2021**: This is the **First Bail Application** under Section 439 of Code of Criminal Procedure, 1973.
- 5) Applicant Kamalnarayan Dewangan is in jail since 25/05/2020 and applicant Deepak Vishwakarma in jail since 29/05/2020 in connection with Crime No. 131/2020, registered at Police Station Kharora, District Raipur (C.G.) for the offence under Section 420, 406, 34 of Indian Penal Code and Section 4 & 6 of Prize, Chits and Money Circulation (Banning), Act 1978 and Section 10 of Chhattisgarh Protection of Interest of Depositors Act, 2005.
- 6) As per prosecution case, applicant and other co-accused obtained deposits of **Rs. 48,05,980/-** from different persons on assurance of doubling the amount within 15 days, but thereafter even the original amount has not been paid to them.
- 7) Learned Counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. It is submitted that similarly situated co-accused persons namely Poshan Dewangan, Vikas Padamwar and Shravan Sahu have been granted regular bail by the Co-ordinate Bench of this Court vide orders dated 24/03/2021, 25/06/2021 & 15/07/2021 passed in MCRC No. 1835/2021, MCRC No. 2806/2021 & MCRC No. 4748/2021 respectively. It is submitted that the applicants are in jail since 25/05/2020 & 29/05/2020 respectively, charge sheet has been filed, out of 13 witnesses no any witness has been examined till now, and due to COVID-19 Pandemic conclusion of trial is likley to take some time. Therefore, the applicants deserve to be released on bail on ground of parity.
- 8) On the other hand, learned Counsel for the State opposes the bail applications.
- 9) I have heard learned Counsel for the parties.

10) Considering the facts and circumstances of the case, the detention period of the applicants who are 36 & 21 years old respectively, co-accused persons Poshan Dewangan, Vikas Padamwar and Shravan Sahu have been granted regular bail by the Co-ordinate Bench of this Court, charge sheet has already been filed, the fact that there is no apprehension of the applicants tampering with the evidence or absconding as admitted by Counsel for the parties and that conclusion of trial may take some time due to COVID-19 Pandemic, the applications are **allowed**. It is directed that in the event of **each** of the applicants executing a personal **bond** for a sum of **Rs. 4,00,000/-** with two sureties of Rs. 2,00,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-

- i. they 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. they shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. they shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the Trial,
- iv. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- v. they shall not involve themselves 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 applicants involving themselves in similar offence in future.

-Sd/-
(Gautam Chourdiya)
Judge