

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3244 of 2021

1. Dinesh Tandan S/o Shakha Ram Tandan, Aged About 26 Years, R/o Village Rachabhta, Police Station Nawagarh, District Janjgir Champa (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Magistrate, Janjgir, District Janjgir Champa (C.G.).

---- Non-Applicant

For Applicant : Mr. Sumit Singh, Advocate.
For Non-Applicant/State : Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) This is the **Third Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 2595/2019 was rejected on merits on 30/04/2019 and the Second Bail Application i.e. MCRC No. 8459/2019 was also rejected on merits on 15/01/2020.
- 3) The applicant is arrested on 13/02/2019 in connection with Crime No. 673/2018 registered at Police Station Janjgir, District Janjgir Champa (C.G.) for the offence under Section 420, 467, 468, 471, 201/34 of Indian Penal Code.
- 4) Case of the prosecution, in brief, is that applicant had filed some alleged forged bills in a claim case filed on behalf of his minor child before the MACT, Janjgir Champa. It is alleged that co-accused Ramkripal had prepared the forged bills and handed over it to the applicant. On report being lodged to the above

effect, the aforesaid offence has been registered against the applicant.

- 5) 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 13/02/2019, charge sheet has been filed, there is no criminal antecedents against the applicant and trial is likely to take some time for its disposal due to COVID-19 Pandemic. Therefore, the applicant be released on bail.
- 6) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that applicant has no criminal antecedents.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, that after rejection of earlier bail applications there is no progress in the trial due to COVID-19 Pandemic, the applicant is in jail since 13/02/2019 i.e. for the last 2 years 4 months, charge sheet has already been filed, offence is triable by Judicial Magistrate First Class, the fact that the applicant has no criminal antecedents 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,

- 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