

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3484 of 2021

1. Narayan Ahirvar S/o Summa Ahirvar, Aged About 37 Years, R/o Gorakala, Post Hasari, Thana/District Ashok Nagar Chanderi (Madhya Pradesh).

---- Applicant

Versus

1. The State Of Chhattisgarh, Through Police Station Berla, District Bemetara (C.G.).

---- Non-Applicant

For Applicant	: Mr. Samir Singh, Advocate.
For Non-Applicant/State	: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

20/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 02/02/2021 in connection with Crime No. 41/2021 registered at Police Station Berla, District Bemetara (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code.
- 3) As per prosecution case, the applicant made telephonic call to the wife of the complainant namely Tikeshwari Nishad and informed that she has won a lottery worth **Rs. 5 Lakh** and for depositing the said amount of Rs. 5 Lakh he fraudulently got a total sum of **Rs. 16,099/-** deposited in his account on different dates but no such amount of lottery was created to the account of the complainant's wife. On report being lodged to the above effect, offence has been registered against the present applicant.

- 4) 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 02/02/2021, charge sheet has been filed, there is no criminal antecedents against the applicant and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that applicant has no criminal antecedents.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the detention period of the applicant who is 37 years old, charge sheet has already been filed, offence is triable by Magistrate, 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. 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 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