

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3495 of 2021

1. Bhimraj S/o Late Fairharam Sahu, Aged About 39 Years, R/o Quarter No. 46/C, Risali Sector, Bhilai, Police Station Newai, Tahsil And District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Nandini, District Durg (C.G.).

---- Non-Applicant

For Applicant	: Mr. Punit Ruparel, 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 08/04/2021 in connection with Crime No. 135/2021 registered at Police Station Nandini, District Durg (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
- 3) As per the prosecution case, the present applicant fraudulently obtained a sum of **Rs. 3,10,000/-** from the complainant in the name of getting him employment and likewise also obtained a sum of **Rs. 3,50,000/-** from his relative Goverdhan Sahu for providing him job and gave 2 cheques as a security. However, neither any employment was provided to the complainant and his relative as assured by the applicant, nor the money was obtained by him was returned to them and that the cheques issued by the applicant also got dishonoured on being presented for encashment.

- 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 08/04/2021, 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 nature of allegation against the applicant, the document of **Annexure A/2** i.e. a legal notice sent by the Counsel for complainant's son to the applicant under Section 138 of the Negotiable Instruments Act/Section 420 of Indian Penal Code, the detention period of the applicant who is 39 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. 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