

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4850 of 2021

- Gourishankar Patel, S/o Sundar Lal Patel, Aged About 40 Years, R/o Village- Tarkela, Tahsil and District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- The Station House Officer, Police Station- Kharsiya, District- Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Rajeev Kumar Dubey, Advocate

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

15.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 19.06.2021 in connection with Crime No.315/2009, registered at Police Station- Kharsiya, District- Raigarh (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 406/34 & 120-B of IPC.
- 2) Case of the prosecution, in brief, is that the present applicant alongwith other co-accused persons alluring the complainant that they will double the deposited amount with bonus of one Maruti-800 car obtained Rs. 6,60,000/- and issued forged bond of Ambedkar Real Estate & Dairy Limited Company to him.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that similarly situated co-accused persons Mahendra

Kumar Patel & Umashankar Patel have already been granted bail by the co-ordinate Bench of this Court vide order dated 17.11.2014 in MCRC No. 4887/2014 & vide order dated 25.01.2010 in MCRC No. 3004/2009 passed by the co-ordinate Bench of this Court, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 19.06.2021, charge-sheet has already been filed and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, the fact that in another case the present applicant has already been acquitted from the charges u/s 420/120-B, 409/120-B of IPC & Section 10 of C.G. Rajya Ke Nikshepako Ke Hiton ka Sanrakshan Adhiniyam, Section 120-B of IPC by extending him benefit of Section 306 & 307 of CrPC vide Judgement dated 20th of July, 2021 in Special Criminal Case (Depositor Interest Act) No. 01/2018 passed by Special Judge Raigarh (C.G.) and further he has also been acquitted of the charges u/s Section 420/120-B, 409/120-B, 467/120 B, 468/120-B of IPC and Section 10 of C.G. Rajya Ke Nikshepako Ke Hiton ka Sanrakshan Adhiniyam, Section 120-B of IPC, vide judgment dated 30th of January, 2021 passed on Special Criminal Case (Depositor Interest Act) No. 02/2016 by Special Judge Raigarh (C.G.), co-accused persons Mahendra Kumar Patel & Umashankar Patel have already been granted bail by the Co-ordinate Bench of this Court, charge-sheet has already been filed, the detention period of the applicant, who is 40 years old and there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case,

the application is allowed.

- 6) 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 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 similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim