

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4673 of 2021

- Banti Sahu, S/o Santram Sahu, Aged About 39 Years, R/o Kabirchauk Chhatamuda Naka Raigarh, Police Station Jutemill, Raigarh, District- Raigarh, Chhattisgarh. (father name wrongly mentioned in impugned order). **---- Applicant**

Versus

- State of Chhattisgarh, Through- the District Magistrate Kabirdham and through Station House Officer Police Station Pandatarai, District- Kabirdham, Chhattisgarh. **---- Non-Applicant**

MCRC No. 6451 of 2021

- Sanjay Lahare, S/o Sonu Lahare, Aged About 26 Years, R/o Oddisa Road Kabirchauk Nawapara, House No. 34/300 Ward No. 34 Raigarh, Police Station- Jutemill Raigarh, District- Raigarh, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- The District Magistrate Kabirdham and through Station House Officer Police Station Pandatarai, District-Kabirdham, Chhattisgarh. **---- Non-Applicant**

For Applicants : Shri Manoj Kumar Jaiswal, Advocate

For Non-Applicant/State : Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

03.09.2021

Heard.

- 1) First bail application of the applicant Sanjay Lahare was dismissed as withdrawn by this Court vide order dated 04.08.2021 in MCRC No. 4603 of 2021.

- 2) At the outset, learned counsel appearing for the applicant Banti Sahu in MCRC No. 4673 of 2021 seeks to withdraw this application with liberty to file afresh as and when occasion arises.
- 3) Counsel for the State has no objection to the above prayer.
- 4) Permission granted.
- 5) Accordingly, the application **MCRC No. 4673** of **2021** on behalf of Banti Sahu is dismissed as withdrawn with the liberty as stated above.
- 6) The applicant Sanjay Lahre has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 04.04.2021 in connection with Crime No. 198/2020, registered at Police Station- Pandatarai, District- Kabirdham (C.G.) for the offence punishable under Section 420/34 of IPC.
- 7) Case of the prosecution, in brief, is that on 28.09.2020 co-accused Banti @ Sonu Sahu came to the complainant Amir Khan, allured him that he will provide him cement & rod at a cheap price and also he assured to send him goods of Rs.10 lacs. On the same day complainant gave Rs. 2 lacs in advance to the co-accused Banti Sahu. Thereafter the co-accused through the account number of the present applicant Sanjay Lahre and Indrajeet Tejvani obtained Rs.3,95,000/-, in total the accused Banti Sahu fraudulently obtained 5,95,000/- from the complainant.
- 8) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the only role of the present applicant in the crime in question is that he was working with the main accused Banti Sahu and he provided his account number for the aforesaid transaction. The applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 04.04.2021 and due to

COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

9) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.

10) 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, role of the applicant Sanjay Lahre, the detention period of the applicant, who is 26 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of his 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.

11) It is directed that in the event of the applicant Sanjay Lahare 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.

In the results: MCRC No. 4673 of 2021 on behalf of Banti Sahu is **dismissed as withdrawn** whereas MCRC No. 6451 of 2021 on behalf of Sanjay Lahare is **allowed** on above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge

Nadim