

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4902 of 2021**

- Navin Tiwari, S/o Shri Raj Kumar Tiwari, aged about 29 Years, R/o Uslapur, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Police Station Civil Lines, District Bilaspur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Mohit Kumar, Advocate.
For State	Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

13/08/2021

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.500/2020 registered at Police Station Civil Lines, District Bilaspur, C.G. for the offence punishable under Section 420 read with 34 of Indian Penal Code.
3. Allegation against the present applicant is that he along with other co-accused persons allured the complainant Kuldeep Sahu and other persons for providing them job in Government Departments and thus fraudulently obtained money from them whereas no such employment was provided to them. On report

being lodged to the above effect, offence under the aforesaid Section has been registered against the present applicant along with other co-accused persons.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that there is no direct proof of applicant's involvement in the alleged crime. Applicant is in jail since 23.02.2021 and due to COVID 19-pandemic, conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation made against the applicant, further considering the fact that as per Annexure A-2, present applicant was only the driver of the co-accused Kapileshwarpuri Goswami, who is the main accused in this case, the applicant had not taken any amount from the victims for providing them job in Government Departments, the detention period of the applicant, who is 29 years old, charge sheet has been filed, the fact that the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19, conclusion of trial may take some time, without expressing any opinion on the merits of

the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the 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, 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh