

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4799 of 2021**

- Jivan Banjare, S/o Ekkam Banjare, aged about 32 Years, R/o Village Jalbandha, Out Post Jalbandha, Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh.

**----Applicant****Versus**

- State of Chhattisgarh, Through - District Magistrate, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

**----Non-applicant**


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|---------------|-----------------------------------------------|
| For Applicant | Shri Rakesh Pandey, Advocate.                 |
| For State     | Shri Anand Verma, Deputy Government Advocate. |

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**Hon'ble Shri Justice Gautam Chourdiya**  
**Order on Board**

**05/08/2021**

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.78/2021 registered at Police Station Chhuikhadan, District Rajnandgaon, C.G. for the offence punishable under Sections 420, 467, 468 & 471 of Indian Penal Code.
3. According to the prosecution case, Sarpanch of Gram Panchayat, Bhimpuri namely Jivan Sahu made a written complaint to Chief Executive Officer, Janpad Panchayat, Khairagarh to the effect that during the period from 20.02.2020 to 18.09.2020, the Secretary of Gram Panchayat i.e. present

applicant withdrew a sum of Rs.2,00,000/- and Rs.1,50,000/- through forged cheques from IDBI Bank, Khairagarh and HDFC Bank, Khairagarh. Thus, the offence under the aforesaid sections were registered against the applicant.

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 custody since 31.05.2021, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of the trial is likely to take some time. Therefore, he may 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 Considering the facts and circumstances of the case, the fact that prior to this incident money was dishonestly withdrawn on number of times by other persons, the applicant withdrew a sum of Rs.3,50,000/- by making a forged signature of the Sarpanch, the medical papers of the applicant showing him to be suffering from Mycobacterium Tuberculosis disease, the detention period of the applicant, who is 32 years old, charge sheet has already been filed, 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 conclusion of

trial may take some time, the application is allowed. It is directed that in the event of 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, 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

Akhilesh