

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4615 of 2021**

- Vinod Gosai, S/o Shri Kishan Lal Gosai, aged about 40 Years, R/o Village Kutulbod, Bhatagaon, Post Karamtara, Via Dongargaon, Tahsil Dongargaon, Distt. Rajnandgaon, Chhattisgarh.

----Applicant

Versus

- The State of Chhattisgarh, Through Police Station Dongargarh, Distt. Rajnandgaon, Chhattisgarh.

----Non-applicant

MCRC No. 4980 of 2021

- Naresh Kumar Sahu, S/o Shri Purshotam Sahu, aged about 42 Years, R/o Village Katullboad (Kabulbed) Bhatagaon, Police Station Lalbagh, District Rajnandgaon, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

----Non-applicant

For Applicants	Shri Parag Kotecha and Shri Ishan Verma, Advocates for the respective applicants.
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For State	Shri Anand Verma, Deputy Government Advocate.
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Hon'ble Shri Justice Gautam Chourdiya 
Order on Board

16/08/2021

1. As both these first bail applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.87/2021 registered at Police Station Dongargarh, District Rajnandgaon, C.G., for the

offence punishable under Section 420 read with 34 of Indian Penal Code, they are being disposed of by this common order.

2. Allegation against the present applicants is that they along with co-accused Dwarka Sahu fraudulently obtained Rs.3,00,000/- from the complainant for release of his son from jail. When the complainant- Ramanand Sahu asked them to return his money, they did not return his money. 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.
3. Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in the case. They submit that there is no direct proof of applicants' involvement in the alleged crime. Applicants are in custody since 10.02.2021 & 11.02.2021 respectively, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of the trial will take some time. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation against the present applicants, further considering the fact that on 02.02.2021 written complaint was lodged by

complainant- Ramanand Sahu against the co-accused Dwarka Sahu, who is the main accused in this case and thereafter on 10.02.2021 FIR was lodged against the co-accused- Dwarka Sahu along with present applicants but as per written complaint no amount was taken by the present applicants from the complainant, it is only the co-accused Dwarka Sahu, relative of complainant, who had taken Rs.3,00,000/- from the complainant for release of his son from jail in Crime No.116/19 under Sections 294, 323, 307, 302 read with 34 of IPC in 2019, the detention period of the applicants, who are 40 & 42 years old, charge sheet has been filed, the fact that the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by counsel for the parties and due to COVID-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicants on bail. Accordingly, both the bail applications are allowed. It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-

- (i) they 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) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) they shall not involve themselves 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 applicants involving themselves in any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh