

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 4994 of 2021

- Dhyanchand Gupta @ Raju S/o Ved Prakash Gupta aged about 29 years, Caste Halwai R/o Village Shivpur, Ramanujnagar, P.S. & Tehsil Ramanujnagar, District Surajpur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, P.S. Ramanujnagar, District Surajpur (C.G.)

---- State/Non-Applicant

For Applicant : Shri Shakti Raj Sinha, Advocate

For Non-Applicant/State : Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

30.07.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 10.09.2020 in connection with Crime No. 199/2020 registered in Police Station- Ramanujnagar, District Surajpur (CG) for the offence punishable under Sections 420, 409, 467, 468, 471 & 120-B of IPC.
2. Case of the prosecution is that the applicant is having Credit Bank Account in Central Bank of India, Ramanujnagar, bearing Account No. 3676244743. It is alleged that the account of applicant was used by the different Bank Officers to transfer amount of Rs.3,00,000/- by playing fraud and this amount was also withdrawn by the applicant, and when the notices were sent to the applicant to deposit back the amount, the same was not deposited. Base on this, offence was registered against the present applicant.
3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. He further submits that there is no evidence against the applicant which shows that any amount was withdrawn by the applicant from his account. He next added that main officer

in the capacity of bank officer had misappropriated the amount and withdrawn the same amount from the account of the applicant, therefore, the present applicant may be granted regular bail. He submits that co-accused namely Rajesh Shankar Das has already been granted anticipatory bail by the coordinate bench of this Court vide order dated 18.06.2021 passed in M.Cr.C.(A) No. 1544 of 2020 and co-accused namely Smt. Yogita Singh Lalkher has already been granted regular bail by the coordinate bench of this Court vide order dated 18.06.2021 passed in M.Cr.C. No. 8715 of 2020 in similar nature of crime registered under different crime number. He also submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 10.09.2020, charge-sheet has been filed and due to Covid-19 pandemic, trial is likely to take some time for its final 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, considering the detention period of the applicant who is 29 years old, charge-sheet has been filed, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, further considering that in similar nature of crime registered in same police station under different crime number, the co-accused persons have already been granted anticipatory and regular bail by the coordinate bench of this Court, without commenting anything on merits of the case, the application is allowed.
6. 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

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/her 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.

7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti