

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5115 of 2021

1. Laxman Kumbhkar S/o Devnath Kumbhkar, Aged About 32 Years, R/o Padumpadhav, Ward No. 1, Bhawani Nagar, Simga, P.S. Simga, District Balodabazar-Bhatapara (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Outpost Of CSEB, Station House Officer, P.S. Bhatapara (City), District Balodabazar-Bhatapara (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Shailendra Dubey, Advocate.
For Non-Applicant/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

10/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 21/06/2021 in connection with Crime No. 278/2020 registered at Police Station Bhatapara (City), District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code.
- 3) Allegation against the present applicant is that he along with co-accused Pritam Chand Gendre who are Police Constables fraudulently obtained **Rs. 4 Lakh and Rs. 3 Lakh** from the complainant Kamalkishore Sahu and Sunil Singh Thakur in the name of providing them job in the Police Department but no such job was provided to them. When the complainant party demanded their money back, the applicant gave them a blank cheque as a security whereas he (applicant) was not having sufficient amount in his account.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that co-

accused Pritam Chand Gendre has already been granted regular bail by Co-ordinate Bench of this Court passed in MCRC No. 8268/2020 vide order dated 05/03/2021. He further submits that the charge sheet has been filed and applicant has been arrested on 21/06/2021. He submits that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail on ground of parity.

- 5) On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has as no criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation against the present applicant, the incident happened on 2018 whereas the FIR lodged on 24/06/2020, the detention period of the applicant who is 32 years old, the offence is triable by Magistrate, the applicant has no criminal antecedents and the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that co-accused has already been released on bail by the Co-ordinate Bench of this Court, and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the 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,
 - 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 Govt./State Govt./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**

Chandrakant