

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5171 of 2021

1. Rohit Kumar Dewangan S/o Shri Nandlal Dewangan, Aged About 47 Years, Resident Of Present Address Deendayal Colony, Charoda, Ward No. 27, Pani Tanki Ke Paas Tridev Mandir Ke Pichhe Charoda, Thana Bhilai 3, District Durg (C.G.) Permanent Address Village Tilai, Thana Berla, District Bemetara (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through District Magistrate Rajnandgaon, District Rajnandgaon (C.G.).

---- Non-Applicant

For Applicant : Mr. Vikas Pandey, Advocate.
For Non-Applicant/State : Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03/09/2021

- 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 05/03/2021 in connection with Crime No. 12/2018 registered at Police Station Gaindatola, District Rajnandgaon (C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 201 of Indian Penal Code.
- 3) Allegation against the present applicant is that he fraudulently obtained Rs. 60,000/- from complainant Kisun Ram Sahu on the pretext of getting him employment in Eastern Debt Recovery and Information Solution Private Limited Company and also issued forged appointment letter to him but no such employment was provided to him.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the applicant is ready to return the amount of Rs. 60,000/- to the complainant either in cash or there any mode of payment. He submits that the applicant is in jail since 05/03/2021, charge sheet has been filed, there is no criminal antecedents against the applicant and trial is likely to take some time for its disposal due to COVID-19 Pandemic. Therefore, the applicant be released on bail.
- 5) On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has no criminal antecedents.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the nature of allegation against the present applicant, the fact that the applicant is ready to return the entire amount of Rs. 60,000/- to the complainant, the detention period of the applicant who is 47 years old, charge sheet has already been filed, there is no requirement of custodial interrogation of the applicant, the offence is triable by Magistrate, 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 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. 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, as voluntarily promised, deposit Rs. 60,000/- with the concerned trial court.
- v. he shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority.
- vi. 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