

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5539 of 2021

- Khomu Lal Nishad, S/o Kumb Lal Nishad, Aged About 33 Years, R/o Village Katro O.P. Manchadur, Thana Utai, District Durg, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Police Station Ghumka, District- Rajnandgaon, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Parag Kotecha, Advocate

For Non-Applicant/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

07.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he was arrested on 08.02.2021 in connection with Crime No. 32/2021 registered at Police Station- Ghumka, District- Rajnandgaon, District- Rajnandgaon (C.G.) for the offence punishable under Section 420 of IPC.
- 2) The Case of the prosecution, in brief, is that the applicant fraudulently obtained sum of Rs. 7.5 lacs from the women group which had taken the said amount through loan, on the assurance of paying the installment of the said loan whereas neither the installment were paid by him nor the said amount was returned to the women group.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that there is inordinate delay in lodging of the report. The

applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant has already been granted temporary bail by the trial Court, charge-sheet has already been filed and due to COVID-19 trial is likely to take some time for 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, nature of allegation made against the present applicant, the detention period of the applicant, who is 33 years old, in this case charge-sheet has been filed where 33 witnesses have been cited to be examined by the prosecution, however, till date the trial has not commenced and due to Covid-19 pandemic trial may take some time, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel, without commenting anything on merits of the case, the application is allowed.
- 6) 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 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

Nadim