

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5655 of 2020**

- Yashwant Jangade S/o Shri Preet Ram Jangade Aged About 30 Years R/o Village Khamharmuda, P.S. Patewa, Tahsil And District Mahasamund, Chhattisgarh.

----Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Patewa District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sumit Jhawar, Adv.
For Respondent/State	:	Mr. Anand Verma, Dy. G.A.
For Complainant	:	Mr. Vinod Kumar Tekam, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/01/2021**

1. The accused/applicant has moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 29/2020 registered at Police Station – Patewa, District - Mahasamund (C.G.) for the offence punishable under Section 370/34 of the IPC.
2. The first bail application of the applicant was dismissed by this Court on 09.06.2020 in MCRC No. 1827/2020.
3. As per the prosecution case, the applicant has on false promise of providing employment to the victims in a brickyard at higher wages taking the family members of the victim and also to pay advance amount of Rs. 50,000/-. It is further alleged that though the victims were sent to Ranchi but neither they were paid the money nor have been given food and shelter. Based on this offence has been registered against the present applicant.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant also went to

other state along with complainant's sons to work in brickyard for earning his livelihood and when he was sick he return from the brickyard but due to misunderstanding between the complainant and the present applicant this unwanted situation took place. He also submits that the original complainant has died in the month of April 2020 and other witnesses are the sons and daughter-in-laws of the complainant and they all have submitted their affidavits before the learned Additional Sessions Judge (F.T.C.), Mahasamund and clarified the original situation that due to misunderstanding the complainant lodged the report against the applicant whereas present applicant/accused has also went along with them for working at brickyard as one of the labour. He next submits that the applicant is in jail since 25.02.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out to release him on bail.
6. Learned counsel for the complainant supported the bail application and submits that complainant namely, Tulsiram is died and other victims namely, Manoj Markande, Smt. Lokeshwari Markande, Vijay Kumar Markande, Narayan Miri and Smt. Lalita Bai Miri filed their affidavits before the learned Additional Sessions Judge (F.T.C.) Mahasamund in support of bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the other victims filed their no objection affidavits before the learned Additional Sessions Judge (F.T.C.) Mahasamund. The applicant is in jail since 25.02.2020 and the trial is likely to take some time for its final disposal, this Court is of the view

that it is a fit case to release the applicant on bail. Accordingly, the application is allowed, subject to following conditions:

9. That, the applicant will furnish a specific, undertaking that while on bail, he will not commit any offence, otherwise bail granted to him will be liable to be cancelled and shall co-operate the prosecution during trial.
10. That, he will furnish a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**