

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5362 of 2021

1. Kundan Singh Patle S/o Pancham Singh Patle, Aged About 35 Years, R/o Goidadar, Tehsil/Police Station Pushp Rajgarh, District (Revenue And Civil) Anuppur (Madhya Pradesh).

----Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Balodabazar City Kotwali, District (Revenue And Civil) Baloda Bazar (Chhattisgarh).

---- Non-Applicant

For Applicant	:	Mr. Sumit Jhawar, Advocate.
For Non-Applicant/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

MCRC No. 5385 of 2021

1. Kundan Singh Patle S/o Pancham Singh Patle, Aged About 35 Years, R/o Goidadar. Tehsil / Police Station Pushp Rajgarh, District (Revenue And Civil) Anuppur (Madhya Pradesh).

----Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Balodabazar City Kotwali, District (Revenue And Civil) Baloda Bazar Chhattisgarh.

---- Non-Applicant

For Applicant	:	Mr. Sumit Jhawar, Advocate.
For Non-Applicant/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

MCRC No. 5408 of 2021

1. Kundan Singh Patle S/o Pancham Singh Patle, Aged About 35 Years, R/o Goidadar Tehsil / Police Station Pushp Rajgarh, District (Revenue And Civil) Anuppur (Madhya Pradesh).

----Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Balodabazar City Kotwali, District (Revenue And Civil) Baloda Bazar (Chhattisgarh).

---- Non-Applicant

For Applicant	:	Mr. Sumit Jhawar, Advocate.
For Non-Applicant/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

MCRC No. 5486 of 2021

1. Kundan Singh Patle S/o Pancham Singh Patle, Aged About 35 Years R/o, Goidadar Tehsil / Police Station Pushp Rajgarh District (Revenue And Civil) Anuppur (Madhya Pradesh).

----Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Balodabazar City Kotwali, District (Revenue And Civil) Baloda Bazar (Chhattisgarh).

---- Non-Appllcant

For Applicant	:	Mr. Sumit Jhawar, Advocate.
For Non-Appllcant/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order On Board

12/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) All these First Bail Applications are being disposed of by this common order.
- 3) Applicant has filed these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as applicant is in jail since 16/11/2020 in connection with Crime Nos. 484/2020, 485/2020, 486/2020 and 487/2020 all are registered at Police Station City Kotwali Balodabazar, District (Revenue And Civil) Baloda Bazar (C.G.) for the offence under Section 420/34 of Indian Penal Code.
- 4) Case of the prosecution, in brief, is that co-accused Mewa Chopra alongwith other co-accused persons namely Dalbir Singh Parstay, Roshan Choudhari and Ashok Pandey allured the complainants of getting them employment in Woman and Child Department, Balod-Bazar and thereby obtained a total sum of **Rs. 50 lakh** (approximately) from them. However, neither any such employment as assured was provided to them nor the money was returned to them. As per the prosecution case, the money obtained by the co-accused persons was deposited in the Bank account of the present

applicant.

- 5) Learned Counsel for the applicant submits that the applicant is innocent person and has been falsely implicated. He submits that no money has been obtained by the applicant from any of the complainants. The basic ingredients for attracting the offence under Section 420 of IPC are extremely missing in this case as against the applicant. Lastly he submits that similarly situated co-accused Dalbir Singh Parstay, Mewa Chopra and Roshan Choudhari have already been granted regular bail by this Court vide order dated 17/06/2021 passed in MCRC No. 9274/2020, MCRC No. 977/2021, MCRC No. 1087/2021, MCRC No. 1193/2021, MCRC No. 1197/2021, MCRC No. 1855/2021, MCRC No. 1870/2021, MCRC No. 1951/2021, MCRC No. 2176/2021 and MCRC No. 9335/2020. The applicant is in jail since 16/11/2020, charge sheet has been filed and due to COVID-19 Pandemic conclusion of trial is likely to take some time for its disposal. Therefore, the applicant deserves to be released on bail.
- 6) On the other hand, learned counsel for the State opposes the bail applications.
- 7) I have heard learned Counsel for the parties.
- 8) Considering the facts and circumstances of the case, the nature of allegations against the applicant, the fact that the only allegation against the applicant is that the amount fraudulently obtained by the co-accused from the complainants were deposited in his Bank account, there is no allegation that he demanded or obtained money from the complainants, the detention period of the applicant, who is 35 years old, charge sheet has already been filed, the fact that co-accused have already been granted bail by this Court, there is no apprehension of the applicant tampering with the evidence or absconding as admitted by counsel for the parties and that conclusion of trial may take some time due to COVID-19 Pandemic, the applications are **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