

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5569 of 2021

- Manas Kumar Mahanta S/o Rishikesh Mahanta, Aged 36 years, R/o Neundi P.S. Baariya, District Keujhar (Orissa) Presently Residing at Chandrashekharpur District Centre Bhumbaneshwar P.S. Chandrahseharpur District Khurda (Orissa)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer P.S. Gandhinagar District Surguja (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Nishi Kant Sinha, Advocate
For Non-Applicant/State	:	Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

31.08.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 27.01.2021 in connection with Crime No. 358/2020 registered in Police Station- Gandhinagar, District Surguja (CG) for the offence punishable under Sections 420/34 of IPC.
2. As per the prosecution story, it is alleged that on 03.07,2017 and 05.07.2017 the applicant being the Managing Director of BIT India entered in Memorandum of Understanding with the complainant Satyam Gupta, Director, Satyamev Samaj Sewa Sanstha Ambikapur. As per the both the agreements training was given to students and student fees to the tune of Rs.31,00,000/- in total was transferred to Bank Account of applicant by the complainant. It is alleged that as per the agreements the applicant has to pay back profit of 2000/- and 5000/- per student to the complainant after the completion of training, and in that manner total of Rs.1,36,25,000/- of profit is payable to the complainant which has not been paid till date, therefore, the report was lodged.
3. Learned counsel for the applicant has filed the copy of agreements dated

03.07.2017 and 05.07.2017 executed between the complainant and the applicant alongwith covering memo dated 23.08.2021. The same are taken on record.

4. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. He submits that even as per agreements applicant has not promised to pay any profit to the tune of Rs.1,36,25,000/- as alleged by the complainant. He further submits that even if the agreement is taken as it is and accepted no criminal act has been committed by the applicant and the complainant can evoke civil remedy for recovery of money or enter into arbitration proceedings. The dispute between the parties is civil in nature which has been given color of cheating. He also submits that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 27.01.2021, charge-sheet has already been filed and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
5. On the other hand, learned counsel for the Non-Applciant/State opposes the bail application and submits that the applicant has no criminal antecedents.
6. Heard learned counsel for the parties.
7. Having regard to the facts and circumstances of the case, dispute being civil in nature, considering the detention period of the applicant who is 36 years old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed, still trial is not concluded and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.

8. It is directed that in the event of 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/her 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.

9. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti