

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5613 of 2021**

1. Avinash Das S/o Sahni Das, Aged About 25 Years, R/o Village Dumarpali, Police Station And Tahsil Basna, District Mahasamund (C.G.).

**---- Applicant**

**Versus**

1. State Of Chhattisgarh, Through Police Station Tendukona, District Mahasamund (C.G.).

**---- Non-Applicant**

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| For Applicant           | : | Mr. Pushpendra Kumar Patel, Advocate.       |
| For Non-Applicant/State | : | Dr. (Ms.) Veena Nair, Dy. Advocate General. |

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**Hon'ble Shri Justice Gautam Chourdiya**  
**Order on Board**

**19/08/2021**

- 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 06/10/2020 in connection with Crime No. 69/2020 registered at Police Station Tendukona, District Mahasamund (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code.
- 3) Allegation against the present applicant is that on 10/09/2020 he alongwith co-accused Sitaram and Charanjeet cheated the complainant Yogendra Kumar Sahu and received **710 bulk** liter of Diesel. On report being lodged to the above effect, the aforesaid offence has been registered against the accused person.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the charge sheet has been filed and applicant has been arrested on 06/10/2020. He submits that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 5) On the other hand, learned counsel for the State opposes the bail application. However, she submits that the applicant has no criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation against the present applicant, the detention period of the applicant who is 25 years old, charge sheet has already been filed, the offence is triable by Magistrate First Class, 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. 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**