

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5847 of 2021

1. Neeraj Singh Thakur S/o Shri Indrabahadur Singh, Aged About 28 Years, R/o Kailashpuri Chowk, Ward No. 56, Budha Talab, Raipur, District Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Khamtarai, Raipur (C.G.).

---- Non-Applicant

For Applicant	: Mr. Prafull N. Bharat, Sr. Counsel with Mr. Mayank Chandrakar, Advocate.
For Non-Applicant/State	: Mr. Shrestha Gupta, Panel Lawyer.
For Objector	: Mr. R.V. Ram Rajwade, Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 11/07/2021 in connection with Crime No. 400/2021 registered at Police Station Khamtarai, Raipur (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
- 2) Allegation against the present applicant is that by claiming himself to be a builder he fraudulently obtained a total sum of **Rs. 26,29,100/-** from the complainant Dilip Gain for selling house to him. However, neither the house was sold in his favour nor the money so obtained was returned to him.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the applicant had received Rs. 8 Lakhs in total from the complainant as an advance for construction of house in the

name of the complainant. However, the complainant lodged a false report against him on which he was called by the Police and forcibly his signatures were obtained on 6 different cheques total valuing Rs. 26,29,100/-. against the said action of the Police the applicant submitted a written complaint to the SP, Raipur vide Annexure A-4. In fact the dispute between the parties is of civil nature. He further submits that the applicant is in jail since 11/07/2021, charge sheet has been filed, the applicant has no criminal antecedents and there is no criminal antecedents against the applicant and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State as well as Objector opposes the bail application. State submits that applicant has no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the applicant, the contents of the complaint made by the applicant to SP Raipur (vide Annexure A-4), the dispute between the parties appears to be civil in nature, the detention period of the applicant who is 28 years old, charge sheet has already been filed, offence is triable by Magistrate, the fact that 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. 100,000/- 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, 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 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