

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6087 of 2021**

- Raju Kushwaha, S/o Shri Kantaprasad, aged about 25 Years, R/o Village Sarna, Police Station Raghunathnagar, District Balrampur - Ramanujganj, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Gandhinagar, Ambikapur, District Surguja, Chhattisgarh.

----Non-applicant**MCRC No. 6296 of 2021**

- Arun Kumar, S/o Taiya Ram, aged about 28 Years, R/o Village Toda, Station Ghumarmi, District- Bilaspur, Himachal Pradesh.

----Applicant**Versus**

- State Of Chhattisgarh, Through Station In Charge Officer, Gandhinagar, Ambikapur, District- Surguja, Chhattisgarh.

----Non-applicant**MCRC No. 6521 of 2021**

- Vinay Jaiswal, S/o Shri Anjani Kumar Jaiswal, aged about 23 Years, R/o Village Kesari Police Station Raghunath Nagar, District Balrampur-Ramanujganj, Chhattisgarh.

---Applicant**Versus**

- State of Chhattisgarh, Through the Station House Officer, Police Station Gandhi Nagar, Ambikapur, District Surguja, Chhattisgarh.

----Non-applicant

For Applicants	Shri Satya Prakash Verma, Shri Neeraj Kumar Mehta and Shri Manoj Paranjpe with Shri Shubhank Tiwari, Advocates for the respective applicants.
For State	Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya 

Order on Board

13/09/2021

MCRC No.6087 of 2021 & MCRC No.6521 of 2021

1. As both these first bail applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.278/2021 registered at Police Station Gandhinagar, Ambikapur, District Sarguja, C.G., for the offence punishable under Section 420 read with 34 of Indian Penal Code, they are being disposed of by this common order.

MCRC No.6296 of 2021

2. Earlier the applicant had filed MCRC No.5088 of 2021 which was dismissed as withdrawn by this Court vide order dated 15.07.2021.
3. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.278/2021 registered at Police Station Gandhinagar, Ambikapur, District Sarguja, C.G. for the offence punishable under Section 420 read with 34 of Indian Penal Code.

4. Allegation against the present applicants is that they fraudulently obtained money from the complainant- Sangita Rajwade and other persons for providing them job in Iconiya Tarentes Marketing Private Limited, Ambikapur whereas no such employment was provided to them. On report being lodged to the above effect, offence under the aforesaid Section has been registered against the present applicants.
5. Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in the case. They submit that there is no direct proof of the applicants' involvement in the alleged crime. They also submit that the entire amount has been returned to the victims and in support of their contention certified copy of the affidavits of the victims have been filed in this regard. Applicants are in custody since 26.06.2021, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of the trial will take some time. Therefore, they may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail applications. However, he submits that applicants Raju Kushwaha and Arun Kumar have no criminal antecedents whereas applicant Vinay Jaiswal has only one criminal antecedent.
7. Heard learned counsel for the parties.
8. Considering the facts and circumstances of the case, the nature

of allegation against the present applicants, further considering the fact that the entire amount has been returned to the victims as is evident from the certified copy of the affidavits of the victims filed by the applicants which has not been disputed by the State counsel, the detention period of the applicants, who are 25, 23 & 28 years old, charge sheet has been filed, the fact that the applicants Raju Kushwaha and Arun Kumar have no criminal antecedents whereas applicant Vinay Jaiswal has only one criminal antecedent and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by counsel for the parties and due to COVID-19 pandemic conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicants on bail. Accordingly, all the bail applications are allowed. It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-

- (i) they 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) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall strictly follow the COVID-19 protocol issued by

the Central Government / State Government / Local Authority.

- (v) they shall not involve themselves 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 applicants involving themselves in any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh