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**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6515 of 2021**

- Santosh Vishwakarma, S/o Jhumuk Lal Vishwakarma, aged about 47 Years, R/o Parastarai, Tahsil Gunderdehi, District Balod, Chhattisgarh.
- Santram, S/o Mehtarui Joshi, aged about 45 Years, R/o Kodewa, Tahsil Gunderdehi, District Balod, Chhattisgarh.

**----Applicants****Versus**

- State of Chhattisgarh, Through Station House Officer, Police of Police Station Arjuni, District Dhamtari, Chhattisgarh.

**----Non-applicant**


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| For Applicants | Shri Anil Gulati, Advocate.         |
| For State      | Shri C.B. Kesharwani, Panel Lawyer. |

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

**25/10/2021**

1. Learned counsel for the applicant submits that he does not want to prosecute this application in respect of applicant No.2 Santram and seeks to withdraw the same.
2. Accordingly, the bail application in respect of applicant No.2 is dismissed as withdrawn.
3. The applicant- Santosh Vishwakarma has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.207/2021 registered at Police Station Arjuni, District Dhamtari, C.G. for the offence punishable under Section 420 read with 34 of Indian Penal Code.

4. Allegation against the present applicant is that he obtained a sum of Rs.10,00,000/- from the complainant fraudulently on the pretext of giving them back four times the said amount by playing magic. However, in the name of performing certain rituals, he took away the said amount assuring the complainant of coming back after some time with the amount but did not come back. Hence, on report being lodged to the above effect, offence under the aforesaid Sections was registered against the applicant.
5. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He submits that applicant has not played any role in alleged offence. The applicant is in jail since 28.07.2021 and conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedents.
7. Heard learned counsel for the parties.
8. Considering the facts and circumstances of the case, the fact that there is no allegation against the applicant Santosh Vishwakarma that he fraudulently obtained any amount from the complainant whereas as per the allegation the amount of Rs.10,00,000/- was taken by Santram and Manish Verma @ Yadav Baba from the complainant fraudulently, there is no allegation of cheating by the applicant with the complainant, the detention period of the applicant- Santosh Vishwakarma, who is 47 years old and the fact that the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the

counsel and conclusion of trial may take some time, the application is allowed. It is directed that in the event of applicant-Santosh Vishwakarma 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, 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.

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 any offence in future.

9. In the result, bail application in respect of applicant No.1- Santosh Vishwakarma is allowed whereas bail application in respect of applicant No.2 Santram is dismissed as withdrawn.

Sd/-  
Gautam Chourdiya  
Judge