

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6533 of 2021**

- Devkumar Chauhan, S/o Alekhram Chauhan, aged about 35 Years, R/o Dipapara, Barpali, Police Station Sariya, District Raigarh, Chhattisgarh. Presently R/o Sector No. 27, House No. 105, Atal Nagar Raipur, Police Station Rakhi, District Raipur, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Palari, District Balodabazar, Chhattisgarh.

---- Non-applicant

For Applicant Shri Devershi Thakur, Advocate.

For State Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

23/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.242/2019 registered at Police Station Palari, District Baloabazar, C.G. for the offence punishable under Section 420 of Indian Penal Code.
2. Allegation against the present applicant is that on 16.11.2017 he cheated the complainant- Dr.B.S. Dhruva in the name of allotting him the Branch of Aqua Water Filter Agency at Baloabazar District and thus fraudulently obtained Rs.3,50,000/- from him. On report being lodged to the above effect, offence under the

aforesaid Section has been registered against the present applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that there is no direct proof of applicant's involvement in the alleged crime. Applicant is in jail since 17.12.2019 and due to COVID 19-pandemic conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. He submits that applicant has only one criminal antecedent bearing Crime No.147/2019 for the offence under Section 420 of Indian Penal Code.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation made against the applicant, the detention period of the applicant, who is 35 years old, charge sheet has been filed and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the 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.

Sd/-
Gautam Chourdiya
Judge

Akhilesh