

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6643 of 2020

1. Akash Rai S/o Shri Arun Rai, Aged About 30 Years, R/o Shrishti Block-8, Avanti Vihar, Telibandha, Raipur, District Raipur, (C.G.), Presently R/o Near Govt. Hospital Bacheli, District Dantewada (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Telibandha, District Raipur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Rahim Ubwani, Advocate.
For Respondent/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

14/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) Heard on admission.
- 3) The application is admitted for hearing.
- 4) With the consent of the parties, the matter is heard finally.
- 5) This is the **Third Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 4097/2019 was rejected on merits on 27/06/2019 and the Second Bail Application i.e. MCRC No. 6977/2019 was also rejected on merits on 15/11/2019.
- 6) The applicant is arrested in connection with Crime No. 311/2019 registered at Police Station Telibandha, District Raipur (C.G.) for the offence under Section 420 of IPC.
- 7) Allegation against the present applicant is that he fraudulently

obtained **Rs. 7 Lakh** from the complainant Akash Shrivastava on pretext of providing the job of Computer Operator to the daughter of the complainant in Agriculture College. However, no such employment was provided to her and the money was also not returned. Applicant also received **Rs. 4 Lakh** from one Hemant Yadav for providing him service as driver in Agriculture College, Abhipriya Verma had given him **Rs. 25 Lakh** for the service of Assistant labour Officer in Agriculture College. He obtained **Rs. 14 lakh** from Ashish Kumar Rathore and his family members to provide job to elder brother of Ashish Kumar Rathore namely Sanjay Kumar Rathore. Applicant did not provide job and cheated them.

- 8) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the charge sheet has already been filed, applicant has remained in jail for more than 2 years and trial is likely to take some time for its disposal due to Covid-19 Pandemic. Therefore, the applicant deserves to be released on bail.
- 9) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 10) Heard learned counsel for the parties.
- 11) Considering the facts and circumstances of the case, even though the earlier applications have been dismissed on merits, yet looking to the period of custody of the applicant i.e. more than 2 years and the fact that trial is not likely to conclude in near future due to COVID-19 Pandemic, prolonged pre-trial detention being an anathema to the concept of liberty, charge sheet has been filed, offence is triable by Magistrate First Class and the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 4,00,000/-** with **two** sureties of Rs. 2,00,000/- 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 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