

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6581 of 2021

1. Sandeep @ Sanjay Kumar Nag S/o Samel Nag, Aged About 36 Years, R/o Chote Badam, Thana Parpa, District Bastar (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Police Station Bodhghat, District Bastar (C.G.).

---- Non-Applicant

For Applicant : Mr. Pravin Kumar Tulsyan, Advocate.
For Non-Applicant/State : Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

24/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 25/07/2021 in connection with Crime No. 186/2021 registered at Police Station Bodhghat, District Bastar (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code.
- 2) Allegation against the present applicant is that he alongwith other co-accused persons namely Ajay Abraham & Uttam Bharos fraudulently obtained from complainant Phoolmati Nayak **Rs. 5 Lakh** on the pretext of providing job of Nurse to her daughter Marry Danial but no such job was provided to her. On report being lodged to the above effect, the aforesaid offence has been registered against the accused persons.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that Compromise between the parties has already taken place before

the Trial Court vide Annexure P/2 and the dispute between them has been amicably resolved and complainant has no objection to release of the applicant on bail. He submits that applicant is in jail since 25/07/2021 and charge sheet has been filed. He further submits that the applicant no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding and conclusion of 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 respondent/State opposes the bail application. However, he submits that it is not disputed the fact that compromise between the parties has been effected. He further 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, in particular the fact that compromise has taken place between the parties before the Trial Court vide Annexure A/2, the detention period of the applicant who is 36 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. 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 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