

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6741 of 2021

- Satish Upadhyay S/o Omkar Upadhyay Aged about 45 years, R/o House No. 166, Shivram Mandir, Ward No. 8 Dallirajahra, P.S. Dallirajahra, District Balod (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through: Arakshi Kendra Rajahra, District Balod (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Priyank Rathi, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

22.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 28.07.2021 in connection with Crime No. 59/2021 registered in Police Station- Rajahra, District Balod (C.G.), for the offence punishable under Section 420 of IPC.
2. Allegation against the present applicant is that he fraudulently obtained Rs.50,000/- from the complainant on the pretext of providing government job to his son. However, neither any such job was provided nor the money was returned to the complainant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the amount taken by the applicant from the complainant has been returned to the complainant, the copy of agreement is filed as Annexure-A/2 in the present bail application. He further submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 28.07.2021, charge-sheet has already been filed and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has three criminal antecedents of similar nature. He also submits that the applicant fraudulently obtained amount from the other persons also on the pretext of providing government job in between the year 2011 to 2016.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the nature of allegation made against the present applicant that he obtained the money from the complainant for providing government job to his son and that amount has been returned to him as per agreement (Annexure-A/2), the detention period of the applicant who is 45 years old, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of trial may take some time, as per State counsel the applicant had taken amount from other persons in between the year 2011 to 2016 for providing job, but during this period no F.I.R. lodged against the applicant, without commenting anything on merits of the case, the bail application is allowed.
6. It is directed that in the event of 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 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/her 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.

7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti