

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6832 of 2021

1. Mohit Chouhan S/o Dayal Chouhan, Aged About 55 Years, R/o Rajiv Gandhi Nagar Mitthumuda, Police Station/Chowki Jutmil Raigarh, Tahsil And District Raigarh (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Officer In-Charge, Police Station Chakradhar Nagar, Raigarh (C.G.).

---- Non-Applicant

For Applicant	: Mr. Prahalad Panda, Advocate.
For Non-Applicant/State	: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

26/10/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 24/07/2021 in connection with Crime No. 431/2021 registered at Police Station Chakradhar Nagar, Raigarh (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
- 2) Allegation against the present applicant is that he obtained Rs. 10,000 – Rs. 15,000/- each from the complainant Uttara Chouhan and 17 other persons on the assurance of getting loan of Rs. 5 Lakh and employment but neither any employment was provided to them nor any loan was sanctioned in their favour. Hence, on report being lodged by the complainant on 23/07/2021, the aforesaid offence has been registered against the applicant.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that

charge sheet has been filed and the applicant is in jail since 24/07/2021. He submits that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding and 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 State opposes the bail application. However, he submits that the applicant has no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 55 years old, charge sheet has already been filed, 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, 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,
 - 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