

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6878 of 2021

- Raju Hitang, S/o Shri Prem Hitang, Aged About 25 Years, R/o Plot No. 35 Block D, Street No. 9, Suvidha Enclave, South Delhi, Delhi, 110043, District : New Delhi, Delhi. ---- **Applicant**

Versus

- State of Chhattisgarh, Through- The Police Station- Bodhghat, District-Jagdalpur, Bastar, Chhattisgarh. ---- **Non-Applicant**

MCRC No. 7537 of 2021

- Renuka Podel, D/o Shri Pooran Bahadur Podel, Aged About 33 Years, R/o Plot No. 3-4, Street No. 7 Bharat Vihar Road, Uttam Nagar, West Delhi, Delhi. ---- **Applicant**

Versus

- State of Chhattisgarh, Through- The Police Station Bodhghat, District-Jagdalpur, Bastar, Chhattisgarh. ---- **Non-Applicant**

For Applicants : Shri Ishan Verma, Advocate

For Non-Applicant/State : Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

28.10.2021

Heard.

- 1) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 30.01.2021 in connection with Crime No.250/2020 registered at Police Station- Bodhghat, District- Jagdalpur-Bastar (C.G.) for the offence punishable under Sections 420 & 120 B of IPC and Section 66 D of IT Act.
- 2) Case of the prosecution, in brief, is that co-accused Sonita Jack through Facebook(social site) approached the complainant, started chatting with him, befriended him and told him that her

Goods are stucked at Delhi Airport due to non-payment of bill. On the pretext of payment of bill & trade, she fraudulently obtained Rs. 27,75,700/- from the complainant. As per memorandum statement of accused Raju Hitang he provided his KYC details to the main-accused Somnath Thapa alongwith applicant Renuka who opened various bank accounts in the name of accused Raju Hitang

- 3) Learned counsel for the applicant submits that the applicants have been falsely implicated in the crime in question. He further submits that co-accused Somraj Thapa has already been granted bail by the co-ordinate Bench vide order dated 25.08.2021 in MCRC No. 4449 of 2021. There is no likelihood of applicants tampering with the prosecution evidence or absconding. The applicants are in jail since 30.01.2021 and trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applciant/State opposes the bail applications.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the applicants, co-accused had already been granted bail by the co-ordinate Bench of this Court, charge-sheet has already been filed, the detention period of the applicants who are 25 & 33 years old, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the applications are allowed.
- 6) It is directed that in the event of each of the applicants 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, they shall be released on bail, on following conditions :-

(i) they 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) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,

(iv) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,

(v) they shall not involve themselves 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 applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim