

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6883 of 2021

- Premlal Dewangan, S/o Shankar Lal Dewangan, Aged About 44 Years, R/o Riddhi Siddhi Colony, Basantpur, Rajnandgaon, District-Rajnandgaon, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- The Station House Officer, P.S. Charama, District- Uttar Bastar Kanker, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri T. K. Jha, Advocate
For Non-Applicant/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

29.10.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 11.12.2019 in connection with Crime No.106/2019 registered at Police Station- Charama, District- Uttar Bastar Kanker (C.G.) for the offence punishable under Sections 420, 34 of IPC & Sections 6 & 10 of C.G Protection of Depositors Interest Act.
- 2) As per the prosecution case, the applicant, his wife & his sister were Directors of Yalko Real Estate & Agro Farming Ltd. Company. They appointed an agent to collect money from people in installments by ensuring them to give double amount in return. However, they closed their office and no such amount was given to the investors.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further

submits that co-accused Smt. Mamta Kiran Dewangan has already been granted bail by this Court vide order dated 02.08.2021 in MCRC No. 3052 of 2021, he himself had not received any amount nor embezzled the amount. The applicant is ready to deposit 50 per cent the amount in question i.e. Rs. 1.48 lacs before the trial Court, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 11.12.2019 and trial is likely to take some time for 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.
- 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 present applicant, the fact that co-accused has already been granted bail by this Court, charge-sheet has already been filed, the applicant is ready to deposit 50 % amount of Rs. 1.48 lacs before the trial Court, the detention period of the applicant, who is 44 years old, there is no likelihood of the applicant 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 application is allowed.
- 6) 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 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 Government/State Government/Local Authority,

(v) he shall not involve himself in any offence of similar nature in future.

He shall, as stated voluntarily, deposit 50% of the amount of Rs. 1.48 lacs with the concerned trial Court.

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

Nadim