

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6856 of 2021

- Santosh Gurung S/o Lt. Bhimraj Gurung Aged About 32 Years
R/o Priy Darshini Nagar, Pachpedi Naka Raipur, District Raipur
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station - Bhakhara, District Dhamtari Chhattisgarh,

---- Respondent

For Applicant	: Shri Awadh Tripathi, Advocate
For Respondent/State	: Shri Anand Verma, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

01/11/2021

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 70/2021 registered at police station Bhakhara, district Dhamtari (CG) for the offence punishable under Section 420/34 IPC.

As per prosecution case, report was lodged by the complainant alleging that the applicant and the co-accused has cheated and induced him by taking Rs. 3,00,000/- and 2,00,000/- by way of cheque for providing job to his son.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the applicant is

willing to deposit the amount of Rs. 3,00,000/- through cheques but the learned trial court has refused to deposit the same. He submits that the applicant is in jail since 26.08.2021; charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail upon the applicant depositing the amount of Rs. 3,00,000/- within a period of 15 days before the trial court. As per direction, the amount so deposited by the applicant shall be paid to the complainant. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 1,00,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to the following conditions:

(i) That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any offence of the like nature, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.

(ii) That the applicant shall make himself available for

interrogation before the concerned investigating officer as and when required and shall not, directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade them from disclosing truth before the Court;

(iii) That the applicant shall not commit any offence or involve in any criminal activity;

(iv) That the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

(v) In case of his involvement in any other criminal activity or breach of any other aforesaid conditions, the bail granted in this case may also be cancelled.

Sd/-
(Rajani Dubey)
Judge