

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 823 of 2020

- Virendra Kumar Soni, S/o Late Shankar Lal Soni, Aged About 45 Years, R/o Village Narkalo, Police Station and Tahsil Lakhanpur, District Surguja Chhattisgarh. **---- Appellant**

Versus

- State of Chhattisgarh, Through: The Station House Officer, Police Station Udaypur, District- Surguja, Chhattisgarh.

---- Respondent

CRA No. 26 of 2021

- Mahesh Kumar Suryawanshi, S/o Shri Videshi Suryawanshi, Aged About 29 Years (Scheduled Tribe), Occupation Private Job, R/o Village Bharni, Police Station Sakri, Tahsil- Takhatpur, District Bilaspur, Chhattisgarh. **---- Appellant**

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station Ajak Thana- Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For appellants : Mr. Jitendra Shrivastava, Mr. Roshan Dubey, Advocates

For Respondent/State : Dr. (Ms.) Veena Nair, Dy.A.G.

For Objector : Mr. Rahul Agrawal, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Judgment on Board

03.03.2021

1. These appeals by the accused/appellants under Section 14-A (ii) and 14-A (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are directed against the order dated 05.10.2020 and 24.07.2020 passed by the Special Judge (Atrocities Act), Surguja (Ambikapur) (C.G.) in Crime No. 83/2019 refusing to allow their regular bail under Section 439 of

Cr.P.C. for the offence punishable under Section 406, 419, 420, 452 of IPC and Section 3 (1) (द) (घ), 3 (2) (va) of the SC/ST Act, registered at Police Station- Udaypur, District- Surguja (C.G.).

2. The allegation against the present appellants is that they had misappropriated the loan amounts of the complainant party in the name of closing the loan which was taken by the complainant party from Bharat Financial Inclusion Limited and the appellants did not pay the loan amount of the complainant party to the said finance company.
3. Learned counsel for the appellants submits that the allegations against the appellants are false and fabricated. Learned counsel for the appellants further submits that the appellants/accused are in jail since 01.10.2020 and 22.07.2020, they have no criminal antecedents, there is no likelihood of the appellants tampering with the prosecution evidence or absconding, charge-sheet has already been filed, conclusion of the trial is likely to take some time, therefore, at this stage, they may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that the appellants have no criminal antecedents.
5. Learned counsel for the objector vehemently raised objection to grant of bail to the appellants.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, detention period of the appellants, the fact that the appellants have no criminal antecedents, there is no likelihood of the appellants tampering with the prosecution evidence or absconding as admitted by both the counsel, charge-sheet has already been filed and conclusion of the trial is likely to take

some time, without commenting anything on merits of the case, the appeals are allowed.

7. It is directed that in the event of each of the appellants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on following conditions:-

- (a) 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.
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the appellants shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of appellants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim