

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8878 of 2020

1. Dushyant Kumar Dubey S/o Shri Rohni Kumar Dubey, Aged About 41 Years, R/o Panchwati Colony, Dhamtari, District Dhamtari (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Dallirajhara, District Balod (C.G.).

---- Non-Applicant

For Applicant : Mr. Shikhar Sharma, Advocate.

For Non-Applicant/State : Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

05/04/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 16/09/2020 in connection with Crime No. 227/2017 registered at Police Station Dallirajhara, District Balod (C.G.) for the offence under Sections 420 & 406/34 of Indian Penal Code and Section 10 of Chhattisgarh Protection of Depositor Interest Act, 2005.
- 2) Case of the prosecution, in brief, is that the applicant, President of Indian Agriculture Development Multi purpose Co-operative Society Limited, Raipur informed the complainant of getting high rate of interest on investment in various schemes of the society for 6 months, 1 year and 6 years. Thereupon the complainant Jagdish Nirmalkar in the capacity of agent of the said society informed about the said scheme to several persons and a total sum of Rs. 6 Lakh was got invested in the society from them. However, frequently the applicant refused to return the amount and fled after

closing the office.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He further submits that the applicant has been arrested on 16/09/2020, charge sheet has already been filed and conclusion of trial is likely to take some time for its disposal. Therefore, the applicant deserve to be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He further submits that the applicant has 02 criminal antecedents i.e. Crime No. 163/2016 under Section 420 of IPC & Section 138 of Negotiable Instruments Act and Crime No. 25/2017 under Section 420 of IPC, registered at Police Station Dallirajhara, District Balod (C.G.).
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the applicant has 02 criminal antecedents of similar nature which are of the year 2016 & 2017, but considering the detention period of the applicant who is 41 years old i.e. more than 6 months, the fact that charge sheet has already been filed, there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal due to COVID-19 Pandemic, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 4,00,000/-** with **two** sureties of Rs. 2,00,000/- 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, 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 not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant