

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8102 of 2021**

- Navin Tiwari S/o Shri Raj Kumar Tiwari Aged About 29 Years R/o Uslapur, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant***Versus***

- State Of Chhattisgarh Through Police Station Sahaspur Lohara, District Kabirdham, Chhattisgarh.

---- Respondent

 For Applicant : Shri Mohit Kumar, Advocate
 For respondent/State : Shri BP Banjare, Dy. Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****17.11.2021.**

1. This is fourth bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 18.3.2020 in connection with Crime No.40/2020 registered at Police Station Sahaspur Lohara Distt. Kabirdham (C.G.), for the offence punishable under Sections 420, 467, 468, 471 & 34 of the Indian Penal Code, 1860 (for short 'IPC'). Earlier bail applications of the applicant bearing MCRC No.2529/2020, MCRC No.7227 of 2020 and MCRC No.4027 of 2021 have been dismissed on merits by the coordinate Bench vide order dated 13.8.2020, 16.12.2020 & 02.7.2021 respectively.

2. Brief facts of the case are that the applicant and co-accused persons by cheating a number of persons on the

promise that they will get employment arranged for them, collected huge amount.

3. Learned counsel for the applicant submits that after dismissal of the earlier three bail applications, this is the fourth bail application on behalf of the present applicant. He would next submit that the applicant is in jail since 18.3.2020 and out of 20 witnesses, only 08 witnesses have been examined till now. He further submits that co-accused Punaram has been granted bail vide order dated 10.9.2021 by the coordinate Bench in MCRC No.6721 of 2021 and case of the present applicant is not different from the case of co-accused Punaram. He would further submit that present applicant is only driver of main accused Kapileshwar Puri Goswami and the amount so extracted from different persons was kept by the main accused himself, the applicant was only getting salary as driver from the main accused, therefore, on the basis of principle of parity and also considering the facts that charge sheet has been filed and conclusion of the trial will take considerable time, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that earlier three bail applications of the applicant have been dismissed on merits and considering the involvement of the present applicant in the alleged crime, his fourth bail application may also be rejected.

5. I have heard learned counsel for both parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case and also taking into consideration the submission made by learned counsel for the parties, role of the applicant in the alleged crime, his detention period and also considering that co-accused Punaram has already been granted bail and the totality of the facts, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. The accused applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned trial Court with following further conditions:-

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE