

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 8858 of 2020

- Kamalnath Rajbhar, S/o Rudalram Rajbhar, aged about 48 years, R/o Quarter No. 13-F, Street 38, Sector-7, Bhilai, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station – Utai, District Durg (C.G.)

---- State/Non-applicant

For Applicant : Shri Prasoon Agrawal, Advocate

For Non-Applicant/State : Shri Vimlesh Bajpai, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

25.02.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 23.07.2020 in connection with Crime No. 220/2020 registered in Police Station- Utai, District Durg for the offence punishable under Section 420 read with Section 34 of IPC.
2. Prosecution case in brief is that the complainant lodged the F.I.R. against the present applicant and one other co-accused that the applicant had got registry of the land of the complainant for a consideration of Rs.66,00,000/- and thereafter no amount has been paid to him by the applicant and co-accused. The cheating has been committed with the complainant by showing him false cheque bearing No. 047302 of Axis Bank dated 20.02.2020.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 23.07.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the present applicant, charge-sheet has already been filed, there are 17 witnesses but not a single witness has been examined before the trial Court, conclusion of the trial is likely to take some time, the applicant has no criminal antecedent as admitted by both the counsel and that there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the application is allowed.
6. It is directed that in the event of 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 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 Bench.
7. In view of the above, I.A. No. 01/2021, application for grant of temporary bail, stands disposed of.

Sd/-
(Gautam Chourdiya)
Judge