

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8867 of 2020**

- Chhamman Sahu, S/o Shri Ganga Das Sahu, aged about 42 Years, Resident of Vill. Arjuni, P.S. Gunderdehi, Dist. Balod, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Khairagarh, Dist. Rajnandgaon, Chhattisgarh.

----Non-applicant

For Applicant	Shri Animesh Verma, Advocate.
For State	Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

10/03/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.231/2020 registered at Police Station Khairagarh, District Rajnandgaon, C.G. for the offence punishable under Sections 420 of Indian Penal Code, Section 3, 4 & 5 of Chit Fund Act, 1982 & Section 10 of C.G. Protection of Interest of Depositors Act.
2. Allegation against the present applicant is that he and co-accused person alongwith Director of the Company (Sarvodaya Multi Trade Limited Micro Investment Company) cheated the investors assuring them of multiple benefits, collected Rs.2 Crores and thereafter, they closed the Office.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. The applicant is in jail since 05.07.2020, conclusion of trial is likely to take some time and that co-accused- Kamlesh Kothle in this case has already been granted regular bail by the co-ordinate Bench of this Court vide order dated 23.02.2021 passed in MCRC No.9083 of 2020 and, therefore, the applicant be released on bail on the ground of parity.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations against the applicant, further considering the detention period of the applicant, who is 42 years old, charge sheet has already been filed, the fact that the co-accused- Kamlesh Kothle in this case has already been granted regular bail by the co-ordinate Bench of this Court and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the sum of Rs.1,00,000/- with one local surety in the like sum 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.

Sd/-
Gautam Chourdiya
Judge

Akhilesh