

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8965 of 2020

1. Sushil Chakrawarti S/o Babulal Chakrawarti, Aged About 44 Years, R/o Village Thirliguda, Police Station Devbhog, District Gariyaband (C.G.).
2. Amarchand Baimal S/o Kanshinath Baimal, Aged About 45 Years, R/o Village Behramuda, Police Station Khoskhara, District Kalahandi (Odisha).

----Applicants

Versus

1. State Of Chhattisgarh, Through Police Station Devbhog, District Gariyaband (C.G.).

---- Non-Applicant

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

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

08/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicants for grant of bail as they are in custody since 08/09/2020 in connection with Crime No. 137/2020 registered at Police Station Gariyaband District Gariyaband (C.G.) for the offence under Section 420 read with Section 34 of IPC.
- 2) Case of the prosecution, in brief, is that the present applicants were running an Institute namely Asha Samaj Uththan Sansthan in Tehsil Devbhog, District Gariyaband and enticed the people of getting loan from the said institute under Pradhan Mantri Karj Mukat Yojna of Rs. 15,000/-, Rs. 50,000/-, Rs. 1,00,000/- and Rs. 5,00,000/-. For this benefit of loan they obtained Rs. 1,500/- from each of the beneficiaries in the name of providing them I.D., Password and as membership fees. In this way the applicants

obtained total sum of Rs. 16,35,000/- from 1090 persons. However, thereafter the applicants closed their office and the beneficiaries did not get any loan amount in their respective accounts. Thus, the applicants by playing fraud and cheating with the innocent villagers, obtained the huge amount from them and absconded. On report being lodged to the above effect by the complainant Abhiram Markam, the aforesaid offence has been registered against the applicants.

- 3) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. He submits that the applicants are in jail since 08/09/2020, charge sheet has been filed, and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
- 4) On the other hand, learned counsel for the State opposes the bail application. He submits that there is one criminal antecedent of accused Sushil Chakrawarti bearing Istagasa No. 195/2019 for the offence under Section 107, 116(3) of Cr.P.C. and 3 criminal antecedents of the applicant Amarchand Baimal bearing Crime No. 84/2012 for offence under Sections 341, 294, 323, 506, 34 of IPC and Crime No. 248/15 for offence under Sections 294, 506, 451, 323, 354, 34 of IPC and Crime No. 253/17 for offence under Sections 279, 337, 294, 323, 354, 506, 34 of IPC registered under Police Station Koksara, District Kalahandi (Odisha).
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicants, charge sheet has already been filed and the fact that applicant No. 2 has 3 criminal antecedents of the year 2012, 2015 & 2017 and there is no apprehension of their absconding or tampering with the evidence as admitted by the counsel for the parties and the trial is likely to take some time for disposal, without commenting anything on merits of the case, this Court is of the opinion that present is a fit

case for grant of bail to the applicants. Accordingly, the application is **allowed**. It is directed that in the event of **each** of the applicants 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, they shall be released on bail on the following conditions:-

- i. 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,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall not involve themselves in any offence of similar nature in future.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant