

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9123 of 2020**

- Omprakash Dheever, S/o Fekuram Dheever, aged about 39 Years, R/o Village Semartal, P.S. Koni, District Bilaspur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through P.S. Gandhi Nagar, District Surguja, Chhattisgarh.

----Non-applicant

For Applicant	Shri Vivek Shrivastava, Advocate.
For State	Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

17/03/2021

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.232/2019 registered at Police Station- Gandhi Nagar, District Surguja, C.G. for the offence punishable under Section 420, 34 of Indian Penal Code, Sections 3 & 4 of the Prize Chits and Money Circulation Scheme (Banning) Act & Section 10 of the C.G. Protection of Interest of Depositors Act.
2. Allegation against the present applicant is that he alongwith other persons committed fraud with many persons by making them deposit money with the Shubh Sai Dicon India Ltd. Co. on the allurement of getting double return and applicant also obtained Rs.13,000/- from the complainant and also insisted him to

become an agent of the same company and add more members to it on the allurements of double return. On report being lodged to the above effect, offence under the aforesaid sections have been registered against the applicants.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that no fraud or cheating has been committed by the applicant. The applicant is in jail since 24.11.2020, charge sheet has not been filed and conclusion of 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. Heard learned counsel for the parties and perused the case diary.
6. Looking the facts and circumstances of the case, the nature of allegations leveled against the applicant, further looking to the fact that the amount was allegedly recovered from the year 2014 to 2015 whereas the FIR was lodged on 15.10.2019, the fact that applicant took Rs.13,000/- in the capacity of agent only from the complainant, the detention period of the applicant, who is aged 39 years, the fact that the applicant has no criminal antecedent 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 for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- 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.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh