

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8568 of 2021**

- Ajay Abraham, S/o Late Abraham, aged about 34 Years, R/o Village Chote Badam, P.S. Parpa District Bastar, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the P.S. Bodhghat, District Bastar, Chhattisgarh.

---Non-applicant

For Applicant	Shri Pravin Kumar Tulsyan, Advocate.
For State	Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

16/12/2021

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.186/2021 registered at Police Station Bodhghat, District Bastar, C.G. for the offence punishable under Section 420 read with Section 34 of Indian Penal Code.
2. Allegation against the present applicant is that he along with other co-accused persons fraudulently obtained money from the complainant Phoolmati Nayavt of Rs.5 lakhs on the pretext of providing a job of Nurse to her daughter but eventually, no such job was given despite the money was paid.
3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has not committed any offence nor is involved in commission

of any offence as alleged against him, applicant is in jail since 21.06.2021, charge sheet has already been filed, conclusion of trial is likely to take some time and that the co-accused persons in this case namely- Sandeep @ Sanjay Kumar Nag and Uttam Bharos have already been granted by this Court and the co-ordinate Bench of this Court vide orders dated 24.09.2021 & 29.10.2021 in MCRC Nos. 6581 of 2021 & 8111 of 2021 respectively 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. However, he submits that applicant has no criminal antecedents.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the detention period of the applicant, who is 34 years old, charge sheet has been filed, the offence is triable by the Magistrate, the fact that the other co-accused persons namely Sandeep @ Sanjay Kumar Nag and Uttam Bharos have already been granted regular bail by this Court and the co-ordinate Bench of this court, the applicant has no criminal antecedents 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.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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) he shall not involve himself in any offence of similar nature in future.

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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh