

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8725 of 2021

Ram Kumar Netam S/o Shri Tiharu Aged About 41 Years R/o Village Sarandi Chouki Dudhava, Police Station Narharpur, District North Bastar Kanker, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Chouki Dudhava At Police Station Narharpur, District North Bastar Kanker (Chhattisgarh)

---- Respondent

For Applicant	:	Shri Rajkumar Pali, Advocate
For Respondent – State	:	Shri Wasim Miyan, PL for the State

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

16.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.47/2019 registered at Police Chouki Dudhava, Police Station – Narharpur, District – North Baster, Kanker (CG) for the offence punishable under Sections 420, 467, 468, 471, 120B, 34 of the IPC.
2. As per the prosecution case, the complainants namely Bhikhari Ram and Suna Ram had made a complaint to the Superintendent of Police against the other co-accused Tilak Das and the present applicant, they both had taken their patta for selling their paddy in the society fraudulently by taking loan amount in the name of the complainants through K.C.C. loan of Rs. 57,000/- in the name of Bhikari Ram, Rs.35,000/- in the name of Suna Ram through forged signature of the complainants.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case and the applicant is not aware about the facts that the bank employees had cheated with the complainants by preparing forged documents to obtain loan amount from the bank. The applicant has been arrested on 13.07.2021 and during the Covid-19 pandemic he has been also enlarged on temporary bail from 29.07.2021 to 29.10.2021 and has not misused the liberty granted to him, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering that the applicant is in jail since 13.07.2021 and he has not misused the liberty granted to him during the Covid-19 pandemic, the offence is triable by JMFC and the trial is likely to take some time, and further that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the application is allowed.
6. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions :-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge