

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9532 of 2020

1. Bijendra Kumar S/o Late Bihari Ram, Aged About 38 Years, R/o Village Chhattarpur, At Present R/o Pandopara, Police Station Patna, District Koriya (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Jhilmili (Bhaiyathan), District Koriya (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Anil Gulati, Advocate.
For Respondent/State	:	Mr. Shrikant Kaushik, Panel Lawyer.

MCRC No. 1633 of 2021

1. Om Prakash Yadav S/o Deenbandhu Yadav, Aged About 32 Years, R/o Village Dharsedi, Police Station Odagi, District Surajpur (CG.)

----Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Jhilmili (Bhaiyathan), District Surajpur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Pravin Kumar Tulsyan, Advocate.
For Respondent/State	:	Mr. Shrikant Kaushik, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

25/03/2021

- 1) Heard.
- 2) As both these applications arise out of the same crime number they are being disposed of by this common order.
- 3) Applicants have filed First Bail Application under Section 439 of

Code of Criminal Procedure, 1973 for grant of bail as they are in jail since 19/10/2020 in connection with Crime No. 85/2020, registered at Police Station City Jhilmili (Bhaiyathan), District Surajpur (C.G.) for the offence under Sections 420, 34 of Indian Penal Code.

- 4) Allegation against the present applicants is that they allured the complainants of getting their loan sanctioned from the Bank and providing them Government Job and in lieu thereof obtained a total sum of Rs. 5,92,000/- from them. However, no such employment was provided by the applicants to the applicants and cheque given by the applicants for certain amount in favour of the complainant party also got dishonoured when presented for encashment.
- 5) Learned counsel for the applicants in both the applications submits that the applicants are innocent persons and have been falsely implicated in this case. The applicants are in jail since 19/10/2020 and charge sheet has already been filed, and trial is likely to take some time for its disposal. They also submit that the applicants have no criminal antecedents. Therefore, the applicants deserve to be released on bail.
- 6) On the other hand, learned counsel for the respondent/State opposes the bail applications.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, looking to the allegation made against the present applicants, the detention period of the applicants who are 38 & 32 years old respectively, charge sheet has already been filed and the fact that the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, and that conclusion of trial may take some time, the applications are **allowed**. It is directed that in the event of **each** of the applicants 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, 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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant