

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9483 of 2020

- Shivram Nayak @ Barwa, S/o Late Balam Sai, Aged about 46 Years, R/o Village - Jheradih, Police Station and Tahsil - Lundra, District – Surguja, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station - Kotwali, Ambikapur, District - Surguja Chhattisgarh.

---- Non-applicant

For Applicant	:	Shri Jitendra Shrivastava, Advocate
For Non-Applicant/State	:	Shri Sudhir Sahu, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17.03.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 09.12.2020 in connection with Crime No.501/2020, at Police Station- Kotwali, Ambikapur District- Surguja (C.G.) for the offence punishable under Section 420 of I.P.C.
2. The allegation against the present applicant is that he alongwith other co-accused persons fraudulently obtained 1,90,000/- from the complainant Manish Toppo for providing government job (police constable).
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely implicated in the case. He further submits that due to previous relationship the applicant borrowed money from the complainant and later on money was repaid to the complainant. The present applicant is only bread earner of his family, he is in jail since

0912.2020, charge-sheet has already been filed, the applicant/accused has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, detention period of the applicant, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
6. It is directed that in the event of the 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 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 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

Nadim