

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 70 of 2021**

1. Narendra Chaudhary, S/o Late Nitai Chaudhary, aged about 41 Years, R/o Bangali Camp 02, Bacheli, Tahsil Dantewada and District Dantewada, Chhattisgarh.
2. Sanjay Donald Dayal, S/o Late Virendra Kumar Dayal, aged about 50 Years, R/o Purana Market, Ward No. 10, Bacheli, Tahsil Dantewada and District Dantewada, Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh, Through S.H.O., P.S. City Kotwali, District Dantewada, Chhattisgarh.

---- Respondent

For Applicants	Shri B.P. Singh, Advocate.
For State	Shri Anil Tripathi, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

03/03/2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.393/2020 registered at Police Station City Kotwali, District Dantewada, C.G. for the offence punishable under Sections 420, 120B of Indian Penal Code.
2. At the outset, learned counsel for the applicants seeks to withdraw this bail application on behalf of applicant No.2 Sanjay Donald Dayal.
3. Accordingly, the bail application on behalf of applicant No.2 Sanjay Donald Dayal is dismissed as withdrawn.

4. Allegation against the present applicants is that they in conspiracy with other co-accused persons obtained Rs.42,50,000/- from several persons in the name of getting them employment in NMDC.
5. Learned counsel for the applicants submits that applicant No.1 Narendra Chaudhary is an innocent person and has been falsely implicated in this case. He submits that there is inordinate delay of about 4 years in lodging the FIR, the applicant No.1 is in jail since 02.11.2020, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicant No.1 be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Heard learned counsel for the parties.
8. Considering the facts and circumstances of the case, the fact that the main allegations of fraud and cheating are against the applicant No.2 Sanjay Donald Dayal, there is no allegation that the present applicant collected any money from the complainant and he has been involved in this case only on the memorandum statements of the co-accused persons, the detention period of the applicant No.1 Narendra Chaudhary, who is aged 41 years, charge sheet has already been filed, the offence is triable by Magistrate, the fact that the applicant No.1 Narendra Chaudhary 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 No.1 Narendra Chaudhary. Accordingly, the application is allowed in respect of applicant No.1 Narendra Chaudhary. It is directed that in the event of applicant No.1 Narendra Chaudhary 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.

9. In the result, the instant application is rejected in respect of applicant No.2 Sanjay Donald Dayal and allowed in respect of applicant No.1 Narendra Chaudhary on the above terms and conditions.

Sd/-
Gautam Chourdiya
Judge