

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9660 of 2021

- Ajay Kumar, S/o Late Panchu Kumar, Aged About 32 Years, R/o Fokatpaara Raipur, District Raipur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Kotwali, District Raipur (C.G.)

---- Respondent

For Applicant
For Respondent

Mr. Sanjay Agrawal, Advocate
Mr. B. P. Banjare, Dy. GA

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

20/12/2021

1. The applicant has preferred this first bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.42/2021, registered at Police Station Kotwali, District Raipur for the offence punishable under Section 420/34 of IPC.
2. The case of the prosecution in brief is that the complainant lodged a report against the present applicant and other accused persons that they have taken Rs.25,000/- each from the complainant for allotment of house under the scheme of Prime Minister Awas Yojna and given receipt of temporary allotment, thus they have cheated the applicant and

accordingly the offence has been registered.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant is the employee in the Congress Committee and no illegal work has been carried out by him and there was no communication between the present applicant and the complainant regarding the said allotment of house and cash of Rs.25,000/- and there is no evidence that the applicant has taken Rs.25,000/- from the complainant. The applicant is in jail since 08.12.2021, offence is triable by the JMFC and the conclusion of trial may take some time, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature of accusation, no previous criminal antecedents against the applicant, offence is triable by the JMFC and the period of detention, this Court finds fit that the applicant be enlarged on bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of ₹ 10,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, subject to following

conditions:

(I) The applicant shall furnish a coloured passport size photograph and also a copy of the Aadhar Card before the Trial Court at the time of bail, which shall be verified from its original by the trial Court.

(II) The applicant shall furnish a specific undertaking that while on bail, he will not commit any offence of the same nature, otherwise the bail granted to him shall be liable to be cancelled and shall cooperate the prosecution during trial.

(III) The accused/ applicant 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/her from disclosing such facts to the Court or to any police officer.

(IV) The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
Deepak Kumar Tiwari
Judge

Nirala