

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9777 of 2021

- Bhupendra Kumar Sahu, S/o Narasu Sahu, Aged About 39 Years, R/o Village Farhada, Police Station Kharora, District Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant
For Respondent

Mr. P. K. Patel, Advocate
Mr. Gurudev I. Sharan, GA

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

21/12/2021

1. The applicant has preferred this second bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.350/2019, registered at Police Station Kotwali, Ambikapur, District Surguja for the offence punishable under Section 420/34 of IPC and Section 10 of the Chhattisgarh Protection of Depositors Interest Act, 2005.
2. The first bail application of the applicant was dismissed as withdrawn vide order dated 18.02.2021 in MCRC No.7810/2020.

3. The case of the prosecution in brief is that the applicant along with other co-accused persons are involved in seeking deposit of Rs.27 Lakhs from 175 persons from the year 2013 onwards, therefore, the FIR has been lodged on 30.06.2019.
4. 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 one co-accused Dilip Sahu has already been granted bail by the Coordinate Bench of this Court in MCRC No.2651/2021 vide order dated 06.07.2021. The applicant is in jail since 14.10.2020 and the challan has already been filed, therefore, he may be released on bail.
5. Per contra, learned State counsel opposes the bail application.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the fact that the co-accused has already been granted bail in similar circumstances and the period of detention, this Court finds fit that the applicant be enlarged on bail.
8. 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 ₹ 50,000/- 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