

(2021) 05 CHH CK 0171

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 2341 Of 2021

Suraj Kumar Judiya

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: May 28, 2021**Acts Referred:**

Indian Penal Code, 1860 & Section 420#Code Of Criminal Procedure, 1973 & Section 439

Citation: (2021) 05 CHH CK 0171**Hon'ble Judges:** Narendra Kumar Vyas, J**Bench:** Single Bench**Advocate:** Sanjeev Kumar Sahu, Ayaz Naved**Final Decision:** Disposed Of

Judgement

Narendra Kumar Vyas, J

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in

jail since 23-01-2021 in connection with Crime No. 106 of 2020 registered at Police Station Bhakhara, District Dhamtari (CG) for offence punishable

under Section 420 of IPC.

2. The case of the prosecution, in brief, is that on assurance of providing job in Electricity Department, the applicant obtained Rs.1,50,000/- and

Rs.2,50,000/- from the complainants Vijay Kumar Sahu and Punendra Bandhe, but neither the applicant provided job to the complainants nor returned

their money, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He would further submit that there is a civil

dispute between the applicant and complainants relating to transaction of money and no offence is made out against the applicant. The applicant

borrowed money from the complainants and he is ready to return the remaining amount for which an agreement was executed in this regard between

the applicant and complainants. He would further submit that he returned an amount of Rs.1,35,000/- to complainant Punjendra Bandhe and

Rs.25,000/-to complainant Vijay Kumar Sahu. He would further submit that offence is triable by the Magistrate, the applicant is permanent resident of

the given address in the cause title, he is in jail since 23-1-2021 and conclusion of the trial is likely to take some time, therefore he may be released on

bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel for the parties and perused the case diary.

6. Looking to the allegations levelled against the applicant, the fact that the applicant has already returned an amount of Rs.1,35,000/- to complainant

Punjendra Bandhe and Rs.25,000/-to complainant Vijay Kumar Sahu which is evident from the agreement executed between them, the offence is

triable by the Magistrate, and further considering the detention period of the applicant who is in custody since 23-1- 2021, till date trial is not completed

due to ongoing pandemic Covid-19 and there is no likelihood of the applicant tampering with evidence or absconding and that conclusion of trial may

take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.

7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of

Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and

every date given by the said trial court, till disposal of the trial.

8. In view of the above. I.A.No. 1 of 2021, application for urgent hearing and I.A.No.2 of 2021, application for hearing during summer vacation also

stand disposed of.