

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3227 OF 2015**

B.P. Vishwarkama @ Vishnu Prasad Vishwakarma @ Buvnoom Vishwakarma, S/o Ayodhya Prasad Vishwakarma, aged about 65 years, R/o Chakarbhata, Ward No. 11, Thana Chakarbhata, Tahsil Bilha, Civil and Revenue Distt. Bilaspur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Chakradhara Nagar, Civil and Revenue District Raigarh (C.G.)

---Non-applicant

For Applicant	:	Mr. Amit Kumar Chaki, Advocate
For Non-applicant	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/07/2015**

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 in connection with Crime No. 145/2015, registered at Police Station Chakradhara Nagar Civil and Revenue District Raigarh, for the offence punishable under Sections 420, 170 & 473 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that co-accused Santosh Chouhan alleged to have collected Rs.9,000/- from the complainants promising them to distribute Swing Machine/Cycle by the Government and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that applicant has never proclaimed to the Minister of

State and it is co-accused Santosh Chouhan, who have alleged recovered the money from the complainants. He would lastly submit that charge sheet has been filed and applicant is in jail since 04/05/2015 therefore, he may be released on bail.

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

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant in offence in question; and applicant is in jail since 04/05/2015, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

