

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4499 of 2015**

Yawer Iqbal, S/o Late Mohd. Umar, aged about 35 years, Occupation Service (Manager), R/o House No.95 Street No.17/29, Jakir Nagar, New Delhi, present address CND Colony, House No.D/50, Jindalgarh, JSPL, Kharsia Road, Police Station Kotra Road, Raigarh, District Raigarh (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station Kotra Road, District Raigarh (C.G.)

---- Non-applicant

For Applicant : Shri T.K. Jha, Advocate
 For Non-applicant : Shri Neeraj Jain, Government Advocate
 for the State.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/09/2015****(1)** Heard.

(2) 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 on 11.08.2015 in connection with Crime No.123/2015, registered at Police Station Kotra Road Raigarh, District Raigarh , for the offence punishable under Sections 420, 467, 468, 471, 120(B) of the Indian Penal Code.

(3) Case of the prosecution, in brief, is that the present applicant impersonated himself as an Officer and took mock interview of the

candidates, and co-accused persons namely Nutan Das and his brother Bhanu took money from the candidates in the name of giving employment to them and, thereby, committed the aforesaid offences.

(4) Learned counsel appearing for the applicant submits that the present applicant as Manager in LE Spirit Hospitality Services Private Limited as informed by the co-accused Nutan Das, took interview of Gourav Singh and other candidates for the post of waiter/peon and the applicant neither took money from the candidates nor any letter of appointment was issued on his own signature. The applicant *bonafidely* took interview of the candidates as his company needed waiter and office-boys for office work, therefore, he has been falsely implicated in the crime in question and there is evidence available on record that main accused Nutan Das took money from the candidates and it was transferred to the account of his brother Bhanu. He further submits that the applicant is innocent and he is in jail since 11.08.2015 and no useful purpose will be served by detaining him further in jail and main accused Nutan Das has already been released on bail on 01.08.2015 under the provisions of Section 167(2) of the Code of Criminal Procedure as such, the applicant may be released on bail.

(5) On the other hand, learned counsel appearing for the State would also submit that the amount was taken by co-accused Nutan Das and it was transferred in the account of his brother Bhanu and appointment letter is said to have been issued by the General Manager Jindal Steel Plant & Power Limited Raigarh.

(6) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(7) Taking into consideration the facts and circumstances of the case, considering the allegation of taking money upon co-accused Nutan Das and his brother Bhanu and that there is only allegation against the present applicant who took interview of the candidates, further considering the role of the present applicant in the offence in question, taking notice of the fact that main accused Nutan Das, who took money from the candidates has already been released on bail, and the present applicant is in jail since 11.08.2015, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(8) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-