

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6618 of 2015

1. Mohammad Imran Kadari, S/o. Mohammad Iqbal Kadari, aged about 26 years, R/o. Pensionbada, Police Line, Police Station, Tahsil and District Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Ganj, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Goutam Khetrapal, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/11/2015

1. This is the second 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.31/2015, registered at Police Station – Ganj, Raipur, District – Raipur (C.G.) for the offence punishable under Section 420 of the Indian Penal Code. The first bail application was dismissed on 26.10.2015.
2. Case of the prosecution, in brief, is that a complaint was lodged by one Hiralal Sahu that his son Dhaneshwar Prasad who filed the form for recruitment to the District Police Force and when the physical test was scheduled on 22.10.2012, before that the complainant came in contact with the accused and on his demand, the complainant paid the amount of Rs.3,10,000/- i.e. Rs.60,000/- on 15.10.2012 and next Rs.2,50,000/- on 20.10.2012 to the accused. Subsequently, the son of the complainant was not selected and when the money was asked back,

the accused denied and therefore, the report was lodged in the year 2015.

3. Learned counsel for the applicant would submit that the complainant, Hiralal Sahu has been examined before the Court below and he has turned hostile and has not supported the case of the prosecution. He would submit that the applicant is in jail since 15.09.2015, therefore, he prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Copy of the statement of the complainant, Hiralal Sahu is on record, which shows that complainant has turned hostile and has not supported the case of the prosecution. Taking into the statement of the complainant, without any observation on merits, this Court is of the opinion that present is a 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 his 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/-
(Goutam Bhaduri)
Judge