

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5446 of 2015

Kekti Bai D/o Sukhdev Chouhan Aged About 32 Years R/o Vill :
Portha, P.S. & Teh. Sakti, Distt. Janjgir- Champa Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Sakti, Distt.
Janjgir Champa Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Ajay Ayachi, Advocate
For Respondent/State	:-	Mr. Anil S. Pandey, G. A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2015

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. 230/2015, registered at Police Station – Sakti, District- Janjgir Champa (C.G.) for the offence punishable under Sections 420, 34 of IPC.
2. As per prosecution case, a report was lodged by one Shyam Kumar Rathore that he had given money to this applicant which was invested in the scheme of the company and the applicant was working as an agent of Kolkata Ware House Industries wherein money was stated and assured that money would be doubled within short period of time and further the bonus was also given but neither the money was returned nor the bonus to the customers. Therefore, the offence was committed.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case and he has never worked as an agent of the company i.e. Kolkata Ware House

Industries. He further submits that the complainant himself had worked in the company as an agent and a false case under section 376 of IPC was registered against the complainant wherein the order was passed on 09.09.2015 and considering the role played by the applicant she may be enlarged on bail.

4. Per contra State counsel opposes the prayer for grant of bail.
5. Perusal of the case diary and the Ikrarnama shows wherein the complainant and the applicant were married and the report which was earlier made under section 376 of IPC and prosecution and the trial was going on in such case and the order was passed on 09.09.2015 by the Special Sessions Judge, Janjgir Champa and the complainant was acquitted. However, a report prior to it was lodged with respect to this crime. Therefore, taking into documents and primary evidence against this applicant and the fact that the applicant is in jail since 26.08.2015. Considering the facts and circumstances of the case taking the gravity of offence committed by this applicant, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge