

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 3518 OF 2015**

Panchram Sahu, S/o Anand Ram Sahu, aged about 42 years, R/o Parsadakala, Police Station & Post Fingeshwar, Civil Distt. Raipur and Revenue District Gariyaband (C.G.)

---Applicant

Versus

State of Chhattisgarh, through Police Station Fingeshwar, District, Gariyaband (C.G.)

---Non-applicant

For Applicant	:	Mr. Manoj Paranjpe, Advocate
For Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****06/08/2015**

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. 06/2015, registered at Police Station Fingeshwar, District Gariyaband (C.G.), for the offence punishable under Section 420 with Section 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that present applicant along with co-accused persons obtained Rs. 15,00,000/- from the complainants to provide job to them.
3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in

question. He would further submit that it is Makhanlal Sahu who accepted money of Rs15,00,000/- from the complainants, which is apparent from the agreement dated 25/07/2014 entered into between ten complainants and Makhanlal Sahu, in which, he promised to refund money to the complainants. When Makhanlal Sahu did not refund the money, FIR has been lodged against Makhanlal Sahu by one of the complainants, namely, Leelaram Sahu on 10/01/2015. He would further submit that even in memorandum statement of Makhanlal Sahu, he has stated that he and two other co-accused persons namely Shahwaj Khan and Salim @ Madar Khan (all three) have shared Rs.15,00,000/- amongst them. He would further submit that applicant is not named in the FIR; the incident is alleged in the month of August, 2013 and FIR was lodged on 10/01/2015 and said agreement dated 25/07/2014 is a part of charge sheet, as such, present applicant has been falsely implicated as a result of afterthought. He would further submit that statements made on 11/01/2015, 19/01/2015 and 31/01/2015 by the complainants just to implicate the applicant in the offence in question and to make pressure to refund the money, which Makhanlal Sahu and two other co-accused have obtained. He would also submit that Shahwaj Khan and Salim @ Madar Khan have already been released on bail by the trial Court. He would lastly submit that charge sheet has been filed and applicant is in jail since 09/03/2015, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that case of Makhan Sahu has already been considered and his bail application is rejected by this Court on 20/07/2015 in M.Cr.C. No.3389/2015 and complainants have already named the present applicant in their statements made before the trial Court, as such, he is also equally responsible in the offence and should not be released on bail.

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 that the present applicant is not named in the FIR; delay in lodging the FIR i.e. 10/01/2015; charge sheet has been filed; pretrial detention of the applicant; agreement dated 25/07/2014 entered into between ten complainants and Makhanlal Sahu alleging that the amount has been obtained by Makhanlal Sahu; taking into account the memorandum statement of Makhanlal Sahu and the fact that case of the present applicant is distinguishable from the case of Makhan Sahu, whose bail application is rejected as Makhan Sahu is said to have obtained entire money from the complainants, 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