

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4707 of 2015

Gajadhar Prasad Ganjeer, S/o Yadav Ram Ganjeer, aged about 48 years,
R/o Narmada Gate, Sursuli, Police Station Devri, District Balod (C.G.)
---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Devri,
District Balod (C.G.)
---- Non-applicant

ANDMisc. Criminal Case No.4709 of 2015

Gajadhar Prasad Ganjeer, S/o Yadav Ram Ganjeer, aged about 48 years,
R/o Narmada Gate, Sursuli, Police Station Devri, District Balod (C.G.)
---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Devri,
District Balod (C.G.)
---- Non-applicant

For Applicant:	Mr. B.P. Singh, Advocate.
For Non-applicant:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/09/2015

1. Since similar transaction and allegation are involved in both the applications, they are being decided by this common order.
2. The accused/applicant has moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime Nos.146/2015 & 147/2015, registered at Police Station Devri, Distt. Balod, for the offence punishable under Section 420 read with Section 34 of the IPC.

3. In M.Cr.C.No.4707/2015, the allegation is that the applicant and his wife – co-accused Smt. Sharda Devi Ganjeer, collected Rs.1,50,000/- from one Durga Thakur in the name of providing employment.
4. In M.Cr.C.No.4709/2015, the allegation is that the applicant and his wife – co-accused Smt. Sharda Devi Ganjeer, collected Rs.4,80,000/- in the name of providing employment to one Gyan Das Sahu, son-in-law of complainant Naresh Sarva.
5. Case of the prosecution, in brief, is that the applicant and his wife assuring that they will get employment arranged, collected huge money from complainants Naresh Sarva & Durga Thakur and, thereafter, neither any job was arranged nor the money which was paid is being returned. Thus, the complainants have been cheated by the applicant and his wife.
6. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime in question. Date of incident is 13-9-2014 whereas FIR has been lodged on 10-7-2015 and there is no explanation of delay in lodging FIR. The applicant is in jail since 11-7-2015. Charge-sheet has already been filed and no custodial interrogation of the applicant is required. He further submits that wife of the applicant Smt. Sharda Devi Ganjeer has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 27-8-2015 passed in M.Cr.C. (A) Nos.804/2015 & 806/2015.
7. On the other hand, learned State counsel opposes the applications.
8. I have heard learned counsel for the parties and perused the case diaries.
9. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pre-trial detention of the applicant, extent of delay in lodging FIR, role of the present applicant and the fact that co-accused Smt.

Sharda Devi Ganjeer, wife of the applicant, had already been granted anticipatory bail, I am of the view that it is a fit case to grant regular bail to the applicant in both the crime numbers. Accordingly, both the applications are allowed.

10. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge