NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5874 of 2015

- Laxman Lodhi, son of Pancham Lodhi, aged about 45 years, R/o Chuhka, P.S. Than Khamaria, Distt. Bemetara (C.G)

---- Applicant

Versus

- State of Chhattisgarh through the Station House Officer,Than Khamaria, Distt. Bemetara. **--- Respondent**

For the applicant : Mr. Ajay Ayachi, Advocate
For the Respondent : Mr. Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.11.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 91/2015 registered at P.S. Than Khamaria, Distt. Bematara (C.G) for the offence punishable under Sections 420 & 120-B IPC.
2. As per the prosecution, the applicant along-with Mahendra Banjare and other co-accused obtained Rs.14 lakhs from the complainants on 12.7.2013 in order to refund the same with double amount and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in this case. He further submits that in fact the amount has been obtained by co-accused Mahendra Banjare in order to double the same, as such, the FIR has been lodged after delay of more than two years which is unexplained. He further submits that similarly placed co-accused Chhote Lal and Bharat Sahu have been enlarged on bail by the coordinate Bench of this Court in M.Cr.C.No.5275 of 2015 vide

order dated 14.10.2015 and the case of the present applicant is not different to that of the co-accused.

4. Per contra, learned State Counsel opposes the bail application. However, he does not dispute the fact that the co-accused against whom similar allegations were made have been granted bail.

5. Having regard to the fact that similarly placed co-accused have been released on bail by the coordinate Bench of this Court in M.Cr.C.No.5275/2015 vide order dated 14.10.2015 and considering the fact that the allegation of accepting Rs.14 lakhs is upon co-accused Mahendra Banjare, I am inclined to allow this bail application.

6. Accordingly, this bail application is allowed and the preset applicant Laxman Lodhi is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court on each and every date given by the said Court.

7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao