

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.4822 of 2015

Samsuddin, S/o Rahman Musalman, aged about 36 years, R/o Village
Devgai, P.S. Ramanujganj, Distt. Balrampur-Ramanujganj (C.G.)
---- Applicant

Versus

State of Chhattisgarh, Through Police Station Ramanujganj, Distt. Balrampur-
Ramanujganj (C.G.)
---- Non-applicant

For Applicant:	Mr. A.K. Yadav, Advocate.
For Non-applicant:	Mr. Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.32/2013 (Criminal Case No.261/2013 pending in the Court of Chief Judicial Magistrate, Ramanujganj), registered at Police Station Ramanujganj, Distt. Balrampur-Ramanujganj, for the offence punishable under Sections 420, 406, 465, 467, 468, 470 and 471 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and two other accused persons have allured the victims by stating that they will be granted some benefits under the Rozgar Guarantee Scheme for which they are required to complete some formalities and preparation of documents. The documents executed by the victims were used in obtaining loan from Surguja Regional Rural Bank, however, after getting the loan sanctioned, the accused persons retained substantial sum with them and disbursed a paltry sum to the victims.

They have thus committed the offence of cheating and criminal breach of trust to the tune of Rs.9.88 lakhs.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case and as such, he is in jail since 22-4-2015. He further submits that co-accused Khalik Ahmad @ Khalid has already been released on bail by order dated 18-6-2013 passed by a coordinate Bench of this Court in M.Cr.C.No.2354/2013 and case of the present applicant is identical to that of the co-accused.
4. On the other hand, learned State counsel opposes the application, but also affirms the grant of bail to co-accused Khalik Ahmad @ Khalid.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, offence is triable by Magistrate, charge-sheet has been filed, the applicant is in jail since 22-4-2015 and co-accused Khalik Ahmad @ Khalid has been released on bail, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. 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