

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5077 of 2015

Mukesh Jaiswal, S/o Dayashankar Jaiswal, aged about 26 years, R/o Village Govindpur, PS Ramkola, Tahsil Pratappur, District Surajpur (C.G.)
 ---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Chalgali, District Balrampur-Ramanujganj (C.G.)
 ---- Non-applicant

For Applicant:	Mr. Jitendra Shrivastava, Advocate.
For Non-applicant:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/09/2015

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.109/2014 (Criminal Case No.58/2015 pending in the Court of Judicial Magistrate First Class, Wadrafnagar), registered at Police Station Chalgali, Distt. Balrampur-Ramanujganj, for the offence punishable under Sections 420, 421, 467, 468, 469 and 471 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and co-accused Lalsai obtained Rs.24 lakhs on 26-7-2014 from complainant Rajaram promising transfer of 10 acres of land in his favour and which was not fulfilled and he was cheated.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the crime and he is in jail since 8-4-2015. He further submits that it is Lalsai in whose account Rs.24 lakhs was transferred and thereafter, on 13-8-2014, 5 acres

of land was transferred in favour of complainant Rajaram. The applicant has neither taken any money nor was party to such transaction, his name has unnecessarily been involved in the offence in question, he has not cheated the complainant and the amount was transferred in the account of Lalsai. Date of incident is 26-7-2014, FIR was lodged on 10-12-2014 and the applicant is in jail since 8-4-2015. There is no explanation of delay in lodging the FIR.

4. On the other hand, learned State counsel opposes the application.
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, amount in question is admittedly transferred in the account of Lalsai and there is no document demonstrating that the applicant has obtained any money at this stage, considering the extent of delay, statement of Ramakant Jaiswal, role of the present applicant and other material, I am of the view that it is a fit case to grant regular bail to the applicant. 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