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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4684 of 2015**

- Rahul Yadav, son of Sushil Yadav, aged about 23 years, by caste Ahir, resident of Tildegaraod Shantinagar, Pathalgaon, District Jashpur (C.G.) presently resided at Chakradharnagar, Raigarh (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: the Station House Officer, Police Station City Kotwali, Civil and Revenue District Raigarh (C.G.)

---- Non-applicant**MCRC No. 5133 of 2015**

- Sikandar Kumar Mehto, son of Punit Mehto, aged about 23 years, by caste Ahir, resident of Kabir Chowk Jut Mill, Raigarh, Tahsil and District Raigarh (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: the Station House Officer, Police Station City Kotwali, Civil and Revenue District Raigarh (C.G.)

---- Non-applicant

For Applicant: Mr. Rajesh Ranjan Sinha, Advocate.
For Respondent/State: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****05/10/2015**

Heard.

(1) Above mentioned two bail applications under Section 439 of the Cr.P.C arise out of a common Crime No.410/2015,

registered at Police Station City Kotwali, Civil and Revenue District Raigarh, for the offences punishable under Section 420/34 of the Indian Penal Code , therefore, they are being heard analogously and decided by this Common Order.

(2) Case of the prosecution, in brief, is that applicant Rahul Yadav obtained Rs.8,500/- from the complainant whereas other co-accused obtained ₹ 1,26,300/- from the complainant to get the amount financed from the Finance Company and, thereby, cheated the complainant.

(3) Counsel for the applicants submits that they have been falsely implicated in the offence in question and they have not committed any offence as the applicant Rahul Yadav has only obtained ₹ 8,500/- from the complainant, which he has already refunded and in the name of co-accused Sikandar no amount has been deposited, in fact the complainant has bonafidely deposited the amount as he had no account in his own name. He further submits that the applicants are in jail since 16/17.05.2015 and the charge sheet has already been filed; and, therefore, the applicants may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; looking to the nature & gravity of the offence; further considering the facts that applicants are in jail since fairly long time; charge sheet has already been filed and no custodial interrogation is required; this court is of the view that it is a fit

case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants – **Rahul Yadav & Sikandar Kumar Mehto** are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-