

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5229 of 2015

Sudhir @ Yagya Sahu, S/o Munshi, age 25 years, R/o Village Dhandamuda, Shantipur, Thana Khaprakhol, Civil & Revenue Distt. Balangir, Distt. Balangir (Orissa)

---- Applicant

Versus

State of Chhattisgarh, Through Police Thana Saraipali, Distt. Mahasamund (C.G.)

---- Non-applicant

For Applicant:	Miss Sharmila Singhai, Advocate.
For Non-applicant:	Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

07/10/2015

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.233/2015, registered at Police Station Saraipali, Distt. Mahasamund, for the offence punishable under Section 420 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and four co-accused persons obtained Rs.5 lakhs from complainant Nand Kishore Soni on 21-11-2013 and sold a brass statue claiming it to be of gold 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 the case. He further submits that it is Munna and Deenanth, co-accused, who have obtained money from the complainant, the applicant has been falsely implicated mainly because he was accompanying the other accused persons.

Co-accused Bodh Singh and Deenbandhu have been granted bail by the trial Court vide order dated 13-7-2015. The applicant is in jail since 10-9-2015. Charge-sheet has been filed, however, supplementary challan against the applicant is to be filed.

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, extent of delay in lodging the FIR, defence of the applicant that he has not received any money, pretrial detention of the applicant, role of the present applicant and the fact that co-accused have been released on bail by the trial Court, 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