

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2404 of 2016

- Chintaram S/o Shri Likhan Kumhar Aged About 35 Years
Occupation Agriculture Labour, R/o Village Sohagpur, Police Out
Post Bundeli, Thana Tumgaon, Tahsil Mahasamund, Civil &
Revenue District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Tendukona, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent : Ms. Shobha Kashyap, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.177/2015, registered at Police Station Tendukona, District Mahasamund (C.G.) for the offence punishable under Section 420/34 of the Indian Penal Code.
2. As per case of the prosecution the applicant along with other co-accused in between November 2014 to December 2015 has obtained certain amount from the complainant for providing the Govt. Job and thereby committed said offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that the entire amount has been returned to the complainant and thereafter, compromise petition has been filed, which was rejected by the trial Court which would be evident from the order sheet dated 02.05.2016.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents which shows that the applicant has returned the entire amount to the complainant and thereafter they have entered into the compromise and the complainant has received the entire amount and further taking into fact that the applicant is in jail since 10.12.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall 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 trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge