

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3493 of 2016

- Shiv Kumar Miri S/O Shri P.R. Miri Aged About 45 Years R/O Bhatgaon, P.S. Bilaigarh, Block Bilaigarh, Revenue & Civil District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Sarsinva, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sandeep Dubey, Advocate

For Respondent/State : Mr. O.P. Sharma, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.07.2016

1. This is 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 on 1-4-2016 in connection with Crime No. 61 of 2016 registered at Police Station Sarsinva, District Balodabazar-Bhatapara (CG) for the offence punishable under Section 420 of the IPC.
2. As per case of the prosecution, the applicant along with other co-accused in order to provide Government job collected Rs.2,10,000/- from complainant Punnuram, but subsequently job could not be provided to him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant himself has not received the amount and the entire amount was received by co-accused Nohit Kumar

Saket and, therefore, the applicant has been falsely implicated in the case. He would further submit that charge-sheet has been filed, the applicant is in jail since 1-4-2016 and no further investigation is required, therefore, he may be released on bail.

4. *Per contra*, learned State counsel opposing the bail application would submit that the applicant along with co-accused Nohit Kumar Saket has collected total amount of Rs.10,90,000/- from different persons for providing jobs to them and there is direct allegation against the applicant that he has collected money from the complainant.
5. I have heard learned counsel for the parties and perused the case diary and other documents
6. Perused the statement of the complainant Punnuram which would show that the applicant has collected huge amount from him.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the manner in which the offence was committed and further considering the role played by the applicant, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju

