

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4776 of 2016

- Jai Kishan @ Vicky Yadav S/O Nanhu Yadav Aged About 26 Years
R/O - Quarter No. I - 44, Jogi Awas, Imalibhatha, Sarkanda, Police
Station - Sarkanda Civil & Revenue District - Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : The Station House Officer, Police
Station - Sarkanda, Civil & Revenue District - Bilaspur Chhattisgarh

---- Respondent

For Applicant : Mr. Parasmani Shriwas, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-08.2016

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 on 24-11-2015 in connection with Crime No. 543 of 2015, registered at Police Station Sarkanda (CG) for the offence punishable under Sections 417, & 420/34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused in order to provide the houses which were meant for the people of below the poverty line, obtained an amount of Rs.20,000/- from seven persons in order to provide each house at Rs.50,000/- projected himself to be an employee of Municipal Corporation, but on inquiry when it was found that the applicant was not the employee of Municipal Corporation, the amount was demanded back and the complainants were abused by the applicant. Hence the offence has been registered.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, charge-sheet has been filed in this case, he is in jail since 24-11-2015 and no further investigation is required. He would further submit that similarly placed other co-accused has been granted bail vide order dated 13-1-2016 passed by this Court in M.Cr.C.No. 7592 of 2015, therefore, the applicant may also be released on bail on the ground of parity.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of co-accused who has been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 24-11-2015 and further considering the fact that similarly placed co-accused has been granted bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju