

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5230 of 2016

- Bhagwat S/O Late Chamru Sahu Aged About 62 Years Occupation Parmer, R/O Village Chherkapur, Police Station - Nawagarh, District Bemetara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : The Station House Officer, Police Station Nawagarh District - Bemetara Chhattisgarh Wrongly Mentioned As Through : The Collector, District - Bemetara Chhattisgarh

---- Respondent

For Applicant : Mr. Prateek Sharma, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-09-2016

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 11-04-2016 in connection with Crime No. 63 of 2016, registered at Police Station Nawagarh, District Bemetara (CG) for the offence punishable under Section 420 and 120-B of the IPC.
2. As per prosecution case, the complainant Ramchandra along with six other persons made a report that the applicant along with his son obtained Rs.13,05,000/- from them for providing jobs of Patwari, Forest Guard and Police etc., in different Government Departments in the year 2012 and no jobs have been provided to them and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the the applicant is a farmer, neither he is in a position to get the complainants employed nor he has capacity. It is also not clear as to how the amount has been paid by the complainants. Only seizure was made from the applicant wherein Rs.500/- was deposited in his account for opening the bank account and it is silent on the rest of the transaction. He would further submit that present applicant has been inculpated because of enmity with his son. He would further submit that charge-sheet has been filed in this case, the applicant is aged about 62 years and is in jail since 11-4-2016 and no further investigation is required, therefore, the applicant may be released on bail.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the complainant which would show that the alleged offence is said to have been committed on 7-9-2012 and the first information report was lodged on 8-4-2016.
7. Taking into consideration the facts and circumstances of the case, considering the delay in lodging the first information report and further considering the age of the applicant who is shown to be 62 years and also the fact that charge-sheet has been filed, the applicant is in jail since 11-4-2016 and no further evidence is required, I am inclined to release the applicant on bail.
8. 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