

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6725 of 2015

Kapoor Chand Kaiwartya, S/o. Ram Singh Kaiwartya, Aged about 48 years, R/o of Village- Budhikhar, P.O. Malhar, Police Station- Masturi, Civil and Revenue District Bilaspur (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station - Baradwar, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicant	: Ms. Seema Singh, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 269/2015, registered at Police Station – Baradwar, District – Janjgir-Champa (C.G.) for the offence punishable under Section 420, 34 of the Indian Penal Code.
2. As per the prosecution case different persons namely Parmeshwar, Rameshwar and Rakesh Kumar have deposited Rs. 2,45,000/-, Rs. 1.00 lakh and Rs. 2.00 Lakhs respectively in Sriram Silicion Limited Company with the assurance that within short time amount will be doubled, however, the amount having not been paid after relevant time. Thereby, the offence is registered.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he was agent of the company and only for some commission the amount was deposited in the company. She would further submit that actually the crime has been

committed by the Directors of the company i.e. Shrikant Dewangan, Chhavi and Krishna Dewangan and taking in to the fact and the role played by the applicant and the applicant is in jail since 20.10.2015. She further submits that the other co-accused persons namely Krishna Kumar has already been granted bail by this High Court in M.Cr.C. No. 6889 of 2015 on 14.12.2015 and the present applicant may also be entitled for bail on the ground of parity.

4. Per contra State counsel opposes the prayer for grant of bail and do not dispute the fact and submits that the other co-accused persons have granted bail by this Court.
5. Having regard to the fact that the applicant is in jail since 20.10.2015 and also the fact that the similarly placed co-accused persons have already been enlarged on bail by this court in M. Cr.C. No 6889 of 2015 on 14.12.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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