HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7592 of 2015

Shani Kumar Banjare, S/o. Shri Janak Ram Banjare, Aged About 24 Years, R/o. Imalibhatha, Sarkanda, Police Station - Sarkanda, Civil And Revenue Distt. Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station - Sarkanda, Civil And Revenue Distt. Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Parasmani Shrivas, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.01.2016

1. This is the second 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.543/2015, registered at Police Station– Sarkanda, District Bilaspur (C.G.) for the offence punishable under Section 417, 420, 34 of Indian Penal Code.

2. The first bail application was dismissed as withdrawn on 02.12.2015 in M.Cr.C. No.6580 of 2015.

3. Case of the prosecution, in brief, is that the applicant alongwith other co-accused in order to provide the house which were meant for the people of below 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 enquiry when it was found that the applicant

was not the employee of Municipal Corporation and the amount was demanded back, the complainants were abused by the applicant. Hence, the offence has been registered.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as there is no evidence to the effect that the applicant has received the amount of Rs.20,000/- and on which date the money was taken. He further submits that the charge sheet has been filed in this case and due to political rivalry the applicant is being inculpated; therefore, he may be enlarged on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into the facts and circumstances of the case and considering the degree of allegation and the fact that the charge sheet has been filed and the applicant is in jail since 04.11.2015, 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.

9. It is directed that 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.

10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok