

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6293 of 2016

1. Santosh Kumar Chandrakar, S/o. Late Asharam Chandrakar, aged about 35 years, R/o. Bhalpahri, Police Station – Kusmunda, District – Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : at Chowki – Hardibajar, District – Korba (C.G.)

---- Respondent

For Applicant : Mr. Basant Dewangan, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/10/2016

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.90/2016, registered at Police Station – Kusmunda, Chowki-Hardibajar, District – Korba (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by one Hemant Kumar that on 21.06.2015, the applicant along with two other co-accused persons came to his house as he is in need of money to pay the fees of engineering of his brother and, as such, he gave two ornaments and received Rs.45,000/- and issued a receipt of Rs.32,400/- by way of security. Subsequently, the applicant and others did not turned up and when the ornaments got checked, it was found that the ornaments were fake.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case because of monetary transaction in between the complainant and applicant. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 20.06.2016, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation levelled against the applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 20.06.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge