

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1599 of 2016**

Ramprasad, S/o Mahesh Lal Chauhan, aged about 42 years, R/o Village Kothikunda, P.S.- Kharsiya, District Raigarh (C.G.)

---- Applicant

Versus

State Of Chhattisgarh: Through : Station House Officer, Police Station House Officer, Jobi, P.S. Kharsiya, Distt. Raigarh (C.G.)

-----Non-applicant

For Applicant: Mr. Amit Kumar, Advocate.
For Non-applicant/State: Mr. Dhiraj Kumar Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/03/2016**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 286/2015 registered at Police Station Kharsiya, Distt. Raigarh for the offences punishable under Sections 420, 467 & 471/34 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that on applicant along with Shivcharan went to complainant Trilochan Das and asked to provide him *rinpustika* and voter identity and after some time he returned the *rinpustika* to the complainant Trilocha Das. Subsequently, a recovery notice was received by the complainant wherein it revealed that the complainant stood as guarantor of the loan obtained by this applicant for purpose of

tractor in connivance with Shivcharan so the offence is committed.

(3) Counsel for the applicant submits that the applicant has been falsely implicated in the offence in question as he has not committed any offence. He further submits that applicant is in jail since 24.6.2015; charge sheet has already been filed and similarly situated co-accused Shivcharan has already been released on bail by the co-ordinate Bench of this Court by order dated 15.12.2015 passed in M.Cr.C. No.6857/2015 and, therefore, he may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question; his pre trial detention and particularly the fact that similarly situated co-accused has already been released on bail by the co-ordinate Bench of this Court; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant – **Ram Prasad** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Sanjay K. Agrawal)
Judge

