

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2830 of 2016

- Krishnadhan Rathore S/O Late Bajrang Rathore Aged About 34 Years R/O Podibahar Kosabadi, Korba, Tahsil & District Korba Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. City Kotwali, District - Kabirdham Chhattisgarh.

---- Respondent

For Applicant : Mr. Sandeep Dubey, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2016

1. This is 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 9-11-2015 in connection with Crime No. 351 of 2015 registered at Police Station City Kotwali, Kabirdham, District Kabirdham (CG) for the offence punishable under Section 420/34 of the IPC.
2. As per the prosecution case, the applicant along with two other co-accused persons namely Mahendra Goswami and his wife Anju Toppo has received Rs.6,00,000/- (two lakh each) from complainants namely Bhanu Pratap, Sachin Kumar and Nagendra Singh for providing Government job to them under the State of Chhattisgarh, however, job could not be procured, thereafter a report was made against them.
3. Learned counsel appearing for the applicant would submit that there are three accused persons in the incident and the present applicant whatever he received the amount from the complainants, has returned the amount of Rs.66,666/- each to complainants Bhanu Pratap, Sachin Kumar and Nagendra Singh through cheques which is evident from the documents annexed to the bail application. He would further submit that the charge-

sheet has been filed in this case and the applicant is in jail since 9-11-2015, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Taking into consideration the facts of the case, nature of allegation levelled against the applicant and considering the fact that during pendency of the bail petition the applicant has tendered the amount to the complainants which is evident from the documents annexed to the bail petition and further considering the fact that the charge sheet has been filed in the case, applicant is in jail since 9-11-2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with onesurety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju