

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 212 of 2016

Vinay Kumar Shrivastava, S/o. Nandlal Shrivastava, Aged About 27 Years, R/o. Village Bogna (wrongly mentioned Benwa), Police Station Gajipur, Tahsil & Distt. Sadar Gajipur, Uttar Pradesh. Civil & Rev. Distt. Sadar Gajipur, Uttar Pradesh

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Durg, Police Station, Tahsil & District Durg, Chhattisgarh, Civil & Rev. District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ratnesh Kumar Agrawal, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.01.2016

1. This is the 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 in connection with Crime No.449/2015, registered at Police Station– Chhawani, District Durg (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code.
2. As per the prosecution story, Mr. Santu Verma has lodged a written complaint before the Police station Chhawani that some persons have published an advertisement to provide job in HDFC Bank and pursuant thereto complainant submitted his documents and also deposited Rs.2250/- and the receipt was also issued to the complainant.
3. Learned counsel for the applicant submits that the allegation against the present applicant is that he was accompanying the

other co-accused. He submits that the applicant is in jail since 12.08.2015 and the charge sheet has been filed. He further submits that the other similarly placed co-accused Nitish Kumar has been enlarged on bail on 27.10.2015 by this Court in M.Cr.C. No.5624 of 2015, therefore, the present applicant may also be enlarged on bail.

4. On the other hand, learned State Counsel opposes the bail application, however, after verification, he do not dispute the fact that the other similarly placed co-accused have been enlarged on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and the fact that the charge sheet has been filed and the applicant is in jail since 12.08.2015 and further considering the fact that the other similarly placed co-accused have been enlarged on bail, I am inclined to enlarge the applicant 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