

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.604 of 2016

Churaman Lal Sahu, aged about 25 years, S/o Shri Surendra Kumar Sahu,
R/o Village Dhiri, Police Station Somni, Pin – 491 441, Revenue Tah. &
Distt. Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through District Magistrate, Durg – 491 001, Tah. &
Distt. Durg (C.G.)

---- Non-applicant

For Applicant:	Mr. V.G. Tamaskar, Advocate.
For Non-applicant:	Mr. Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/03/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.609/2014, registered at Police Station Supela, Distt. Durg, for the offence punishable under Sections 420, 120B, 467, 468 and 471 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and co-accused Hemant Kumar Sahu obtained Rs.2,25,000/- from complainant Dwarika Prasad Sahu to secure employment for him and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. In fact, the applicant has lodged FIR under Crime No.121/2014 on 30-5-2014 at Police Station Somni, Distt. Rajnandgaon for the offence punishable under Section 420 of the

IPC against Hemant Kumar Sahu stating that Hemant Kumar Sahu has obtained Rs.11,35,000/- from the applicant and other persons to secure employment, and thereafter, the investigation started against Hemant Kumar Sahu then only, as a counter-blast, after three months, on 27-7-2014, complaint has been lodged by Dwarika Prasad Sahu against Hemant Kumar Sahu and the present applicant that the present applicant has taken Rs.2,25,000/- from Dwarika Prasad Sahu and thereby committed the offence. Learned counsel further submits that the applicant is in jail since 11-11-2014 and charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, further taking into account the fact that the applicant has lodged report on 30-5-2014 at Police Station Somni against Hemant Kumar Sahu for obtaining huge amount of money from the applicant and other persons for providing employment, the present FIR has been lodged on 27-7-2014 after lodgment of report by the present applicant alleging that on 31-10-2013 complainant Dwarika Prasad Sahu has given amount to the present applicant, further taking into consideration the fact that the applicant is in jail since 11-11-2014 i.e. more than one year, the offence is triable by the Magistrate, considering the role of the applicant, charge-sheet has been filed and the main allegation is against Hemant Kumar Sahu, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.

7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge

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