

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2979 of 2016

1. Kamal Tiwari, S/o. Late Shri Dhannu Tiwari, aged about 38 years, R/o. Qr. No.DS 465, Balgi, P.S. Bankimongra, District - Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Kusmunda, District – Korba (Chhattisgarh)

---- Respondent

For Applicant : Mr. B.D. Guru, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/06/2016

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.58/2016, registered at Police Station – Kusmunda, District – Korba (C.G.) for the offence punishable under Section 120-B, 384, 420 & 166 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that one Suklal Sidar and Pradip Yadav, who is working as police went to the house of the complainant, Ramcharan Kewat and demanded money on the ground that her ex-wife with whom certain litigation is pending has lodged a report for which the complainant would be arrested, therefore, the complainant

on such fear went to the bank and withdrew an amount of Rs.1,60,000/- and paid to Sukhlal Sidar and Pradip Yadav and the allegation against this applicant is that he conspired with the police officials and he was with the other co-accused while they went to the house of the complainant, Ramcharan Kewat.

3. Learned counsel for the applicant submits that only allegation against this applicant is that he went on his car and no demand has been made by this applicant. He further submits that one of the co-accused, Sukhlal Sidar has been enlarged on bail as the complainant has been entered into compromise and has changed his version before the Court below, therefore, under the facts and circumstances of the case, 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. Perused the bail order of Sukhlal, which has been granted by the trial Court, wherein it is recorded that the complainant has changed his version on affidavit and allegations have been attributed to this applicant. Considering the facts and circumstances of the case, the nature of allegation levelled against the applicant and the fact that the applicant is in jail since 22.04.2016 and the fact that charge-sheet in this case has been filed, 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

Balram