

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3538 of 2016

1. Dwarika Sahu, S/o. Makhan Sahu, aged about 50 years,
2. Tejas Sahu, S/o. Dwarika Sahu, aged about 22 years,
Both R/o. Village- Jungalpur, P.S. - Lalbagh, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : P.S. - Lalbagh, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant	: Mr. Vishnu Koshta, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy. Govt Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/07/2016

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 applicants who have been arrested in connection with Crime No.485/2015, registered at Police Station – Kotwali, District – Rajnandgaon (C.G.) for the offence punishable under 420, 467, 468, 471 R/w. Section 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a complaint was made by Hitendra Rangari that in between period of 20.12.2013 to 15.05.2014, the applicants on the pretext of giving job received the amount from the complainant in different date and period of time. However, subsequently, it is found that the said appointment letters issued were fake. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that the complainant – Hitendra Rangari was examined on 01.07.2015 and nothing has been stated by the said complainant and on reading the statement would show that no amount has been received by the present applicants and the applicants have been acquitted of the other cases bearing Crime No.328/2014 on 16.05.2016, therefore, the applicants 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 documents and the case diary as also the memorandum statement of the accused. Perusal of the statement of the complainant would prima-facie show that offence is said to have been committed. The statement made in other case can not be read in defence in the present case. Taking into the evidence available in the present case, I am not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge