

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4689 of 2016

Jai Kishan @ Vicky Yadav, (wrongly mentioned as Jai Kishan Vicky Yadav), S/o. Nanhu Yadav, Aged About 26 Years, R/o. Quarter No.I-44, Jogi Awas, Imalibhatha, Sarkanda, Police Station- Sarkanda, Civil & Revenue District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station- Sarkanda, Civil & Revenue District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Parasmani Shrivastava, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.08.2016

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.335/2015 registered at Police Station- Sarkanda, Bilaspur (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code.
2. As per the prosecution case, the applicant alongwith other co-accused has received an amount of Rs.60,000/- from two-three persons to provide them house at the Atal Awas. Subsequently, after some time, the house was not given and the applicant and other co-accused has assured and prayed time to give them the house, however, it was not given and ultimately the report was made and the applicant was introduced as the officer in the Municipal Corporation.
3. Learned counsel for the applicant would submit that the statement of Vimlesh Mishra, Suraj Rajak and Sagar Tekam has been recorded wherein they have stated that the amount was given to

Urmila Mahant and no allegation has been attributed to this applicant, therefore, no evidence is existing against the applicant and as such he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the witnesses. There are certain allegations have also been attributed against this applicant that is subject to the adjudication before the Court below and giving any finding in favour or against the present applicant while adjudicating the bail application would not be proper as it may seriously prejudice the trial. Considering the statements, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge