

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4653 of 2016

- Deman Kumar Banjare S/O Dharamdas Aged About 38 Years Caste Satnami, R/O Bhaistara, P.S. & Tahsil Baloda, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Govind Ram Miri, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-08-2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 17-04-2016 in connection with Crime No. 83 of 2016, registered at Police Station Baloda, District Janjgir-Champa (CG) for the offence punishable under Sections 420, 409/34 of the IPC. Earlier first bail application was dismissed for want of prosecution.
2. Case of the prosecution, in brief, is that a report was made by complainant Chandrahas Dewangan that the applicant introduced him one Sharad Raval claiming to be Director of Sharad Raval & Orientl Technologist Pvt. Ltd. Sharad Raval and Chandrahas Dewangan entered into lease agreement whereby the land was leased to Sharad Raval and in lieu thereof it was agreed that he would pay Rs.1,50,000/- per acre per annum and Rs.75,000/- is to be incurred towards expenses by the owner of the land i.e.,

Chandrabhas Dewangan. Subsequently Chandrabhas Dewangan after some time did not see any development being carried out by Sharad Rawal for plantation. It was further agreed to reduce the amount. Some cheques amounting to Rs.14,00,000/- were given to the complainant by Sharad Rawal which were found to be dishonoured. It is stated that the applicant in the like manner introduced Sharad Rawal to about 600 persons and committed forgery and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that considering the role played by the applicant, no allegation can be attributed against the applicant and all allegations are civil in nature and the applicant only introduced Sharad Rawal to the complainant and he has not been allured to pay anything. He would further submit that charge sheet has been filed in this case, the applicant is in jail since 17-4-2016 and no further investigation is required, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposing the bail application would submit that the applicant in the like nature has introduced Sharad Rawal to about 600 persons and got agreement signed with the hands and gloves of co-accused Sharad Rawal, therefore, the applicant does not deserve to be released on bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the complainant.
7. Considering the fact that the entire allegations have been attributed to Sharad Rawal and lease agreement was entered into between the complainant and Sharad Rawal and only allegation against the applicant is that he introduced Sharad Rawal to different land owners and also considering the fact that charge-sheet has been

filed and the applicant is in jail since 17-4-2016, I am inclined to release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju