

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7614 of 2015

Santosh Meshram, S/o. Shiv Prasad Meshram, Aged About 36 Years,
R/o. Village Motipur, Ramnagar, Rajnandgaon, Thana Chikhli, Distt.
Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. Sihava, Distt.
Dhamtari, Chhattisgarh

---- Respondent

For Applicant : Ms. Anita Suryavanshi, Advocate

For Respondent : Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.01.2016

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.55/2015, registered at Police Station– Sihava, District Dhamtari (C.G.) for the offence punishable under Section 406, 409, 411, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.
2. As per the prosecution case, Santosh Kumar and Manoj Kumar convinced one Puran Singh to get loan from Antavyavasai Sahkari Vikas Samiti. Thereafter, they along with Puran Singh went to Antavyavasai Sahkari Vikas Samiti to get loan sanctioned. Subsequently, Puran Singh was taken to the show room of the Tractor his photograph were taken out with the Tractor and thereafter he was assured that the Tractor would be sent to his residence. He was sent back along with amount of Rs.10,000/-.

Subsequently, Tractor did not reach to Puran Singh and instead for non payment of installment he received the notice and thereafter report was made. However, on enquiry it was revealed that at the relevant time Applicant No.1- Shyam Rao Udupure was working as Field Officer whereas Applicant No.2- Shiv Shankar Vishvakarma was working as A.G.-III in the Antavyavasai Sahkari Vikas Samiti.

3. Learned counsel for the applicant submits that the loan actually was sanctioned to the beneficiary/ loanee and some of the installments were also paid and it cannot be stated that the applicant has committed any offence under the aforesaid sections. She submits that the charge sheet in this case has already been filed and the applicant is in jail since 05.07.2015. She further submits that the other similarly placed co-accused have been enlarged on bail by this Court on 18.11.2015 in M.Cr.C. No.6080 of 2015 and the case of the present applicant is also similar to the case of other co-accused who have been granted bail, therefore, the present applicant may also be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the other similarly placed co-accused have been enlarged on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case, taking into fact that the charge sheet has been filed and the applicant is in jail since 05.07.2015 and further considering the fact that the similarly placed co-accused have been enlarged on bail, I am inclined to release the applicant on 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

Ashok