

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4036 of 2016

Kalyan Rawat, S/o. Chandrabhan Rawat, Aged About 28 Years, R/o. Village Khamdhoura, Post Office & Police Station- Manjholi, District Sidhi, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Amalipadar, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30.08.2016

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.15/2015 registered at Police Station Amalipadar, District Gariyaband (C.G.) for the offence punishable under Section 420, 507/34 of Indian Penal Code.
2. As per the prosecution case, the applicant along with other co-accused have cheated the complainant Khemraj Nagesh and got deposited Rs.75,000/- in different accounts of Rs.25,000/- each.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and the amount of Rs.25,000/- has been returned. He further submits that the similarly placed co-accused has been released on bail by the co-ordinate Bench on 11.08.2015 in M.Cr.C. No.3890 of 2015, therefore, the present applicant may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he would submit that on verification it is revealed that the amount has been returned. He further do not dispute the fact that the similarly placed co-accused has been enlarged on bail by the co-ordinate Bench.
5. Perused the case diary and the documents. Taking into consideration the facts and circumstances of the case, nature and gravity of offence and further considering the fact that the amount has been returned and the similarly placed co-accused has been enlarged on bail, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge