

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5113 of 2016

- Ganesh Jaiswal S/O Horilal Jaiswal Aged About 39 Years R/O Village Malhapara, P.S. City Kotwali Mungeli, Tahsil & District Mungeli, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. V.C. Ottalwar and Mr. F.S. Khare,
Advocates

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-09-2016

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 on 31-05-2016 in connection with Crime No. 274 of 2016, registered at Police Station City Kotwali, Mungeli, District Mungeli (CG) for the offence punishable under Sections 294, 452, 323, 342, 365/34 of the IPC and Section 4 of Riniyo ka Sarkshan Adhiniyam.
2. Case of the prosecution, in brief, is that on 31-5-2016 a report was made by the complainant Ramakant Rohra that the applicant entered the house of the complainant, abused him and thereafter got the signature of the complainant on 2- 3 blank stamp papers on the ground that the complainant had taken loan from him and though the complainant returned the interest on the principal amount, but he did not pay the principal amount and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, there has been a case of monetary transaction between the parties, charge-sheet has been filed, the applicant is in jail since 31-5-2016 and no further investigation is required, therefore, the applicant may be released on bail.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perusal of the statement of the complainant would show that monetary transaction took place between the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and further considering the statement of the complainant and also the fact that charge-sheet has been filed, the applicant is in jail since 31-5-2016, 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