

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6723 of 2016

- Sanjay Singh Rajput S/o Shri Bhagwat Singh Rajput Aged About 26 Years R/o Village Rawanbhata, Churikala, Police Station & Tehsil-Kathgora, Revenue & Civil- District- Korba, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Pali, District Korba, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Sandeep Dubey, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03-11-2016

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 22-7-2016 in connection with Crime No. 120 of 2016, registered at Police Station Pali, District Korba (CG) for the offence punishable under Sections 420, 419, 170, 34 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by complainant Rajesh Kumar Paikra that one Viinod Kumar Nagesh received an amount of Rs.3,10,000/- from him and other complainants to provide them Government job in the Police Department and thereafter gave them appointment letters. Subsequently, it was found to be forged. Like-wise, other persons namely Uttam Das, Amar Singh Paikra and Kranti Kumar also paid amount to Vinod Kumar Nagesh. It is alleged that during

conversation, Vinod Kumar Nagesh had called the present applicant and used to tell them that he had called the DSP and the present applicant himself projected as DSP and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, there is no evidence against the applicant and the entire amount was received by Vinod Kumar Nagesh and if at any time some call is made and identification is disclosed if receiver of phone something else, in such case present applicant cannot be inculpated. Therefore, no offence is made out. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 22-7-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statements of the complainant and the witnesses. Prima facie, it appears that the entire amount was paid to Vinod Kumar Nagesh and the memorandum shows that the present applicant was shown as DSP while he called upon.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant that he was identified as DSP while he received phone and further considering the fact that the entire amount was received by Vinod Kumar Nagesh and also the fact that charge-sheet in this case has been

filed and the applicant is in jail since 22-7-2016, this court is 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