

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6799 of 2016

1. Chandrakant Tiwari, S/o. Anand Tiwari, aged about 28 years, R/o. Village-Aodiya, Police Station – Bemetara, District – Bemetara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Bemetara, District – Bemetara (C.G.)

---- Respondent

For Applicant : Mr. P.P. Sahu, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/11/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.211/2015, registered at Police Station – Bemetara, District – Bemetara (C.G.) for the offence punishable under Section 420 & 409 of Indian Penal Code.
2. As per prosecution case, the applicant, who was working on behalf of the Indusind Bank was allowed to sit in Sai Motors at Bemetara and the bank used to finance the vehicle. It is alleged that the vehicles were financed and when the repayment was made, an amount of Rs.80,934/- though was received from the lonee which was not deposited by the present applicant. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the amount has already been deposited, which would be evident from the document Annexure A/2. It

is further submitted that charge-sheet in this case has been filed, applicant is in jail since 11.08.2016 and no further investigation is required, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case and the document i.e. Annexure A/2, which prima-facie shows that the amount has been deposited and the fact that charge-sheet in this case has been filed and the applicant is in jail since 11.08.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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