

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7918 of 2016

1. Anil Lahre, S/o. Gangaram Lahre, aged about 41 years,
 2. Menka Lahre, W/o. Anil Lahre, aged about 35 years,
- Both R/o. Bhartiya Nagar Chowk, Police Station Civil Lines, District – Bilaspur (C.G.)

----Applicants

Versus

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

---- Respondent

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2016

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 applicants who have been arrested in connection with Crime No.363/2016, registered at Police Station – Tarbahar, District – Bilaspur (C.G.) for the offence punishable under Section 420/34 of the Indian Penal Code.
2. At the very outset, learned counsel for the applicants submits that he do not want to press the bail application in respect of the applicant No.1, Anil Lahre and seeks permission of this Court to withdraw the same with liberty to file afresh after filing of the charge sheet.

3. Accordingly, the bail application in respect of the applicant No.1, Anil Lahre is dismissed as withdrawn with liberty to revive the same after filing of the charge-sheet.
4. Case of the prosecution, in brief, is that an advertisement was made in the paper that security guard are being appointed at the forest. Consequently, a report was made by one Vivek Dubey and the office of the applicants were raided, which was named as Indian Security Guard Pvt. Ltd, wherein it was revealed that they were taken form from different persons and an amount of Rs.6000/- was being charged, which was deposited in the account. Thereby the offence has been committed.
5. Learned counsel for the applicant No.2 submits that the applicant was working in Indian Security Guard Pvt. Ltd and she is the employee/agent and she is working in monthly salary basis and the office was in the name of Samir Badjatiya and the license was issued in his name as per Annexure A/2 by the Municipal Corporation and the applicant has deposited the money in the account given by the Samir Badjatiya, which do not belong to the present applicant. It is further submitted that advertisement also do not show that forest guard were being appointed in government, therefore, eventually, no offence has been committed. Therefore, the counsel prays that the applicant may be enlarged on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. I have heard learned counsel appearing for the parties.

8. Perused the case diary and the documents. Perusal of the document would show that the applicant No.2 was working in Indian Security Guard Pvt. Ltd.. Taking into fact that the applicant is lady and the license of Indian Security Guard appears to have been issued to Samir Badjatiya and further taking into the facts and circumstances of the case that alleged amount is not deposited in account of applicant and the fact that the applicant is in jail since 18.11.2016, this Court is of the opinion that present is a fit case, in which, the applicant No.2, Menka Lahre should be enlarged on regular bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. in respect of the applicant No.2, Menka Lahre is allowed.
10. It is directed that applicant No.2, Menka Lahre shall be released on bail on her 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 her appearance as and when directed.
11. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge