

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6708 of 2017

- Leelaram Markam S/o Late Shri Prabhuram Markam, Aged About 51 Years R/o C/o T - , Bhargava Shikshak Nagar Ward No. 13, Tehsil Abhanpur Mob. No. 07247351217, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Ambagarh Chowki, District Rajnandgaon Chhattisgarh.

---- Non-applicant

For Applicant – Shri Rakesh Pandey, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-11-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 15-09-2017 in connection with Crime No.108/2016 registered at P.S. Ambagarh Chowki, District Rajnandgaon, C.G. for the offence under Section 420 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in custody since 15-09-2017. Charge sheet has been filed after completion of the investigation. No offence is made out against the applicant on the basis of the material in the charge sheet. It is also submitted that the applicant is suffering from chronic diabetes which has resulted in gangrene of his left leg, for which urgent medical treatment is required. Hence, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted according to the contents of the case, there is clear case of commission of offence by the applicant. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.
5. As per the case against the applicant, the applicant was posted as Block Education Officer in Ambagarh, District Rajandgaon. A complaint was made by Smt. Jayantri Bai alleging in it that the applicant induced her to pay Rs. 1 lac for getting appointment for her son to the post of Peon and has received the said amount.
6. Considering the submissions made and the contents of the case diary and taking into consideration this fact that the applicant had been posted as public servant and suffering from diabetes, which has resulted in gangrene in his foot which needs medical attendance and treatment for his well being, further looking to the nature of the case against him, this Court is of the considered view that no purpose would be served if the applicant is kept in detention continuously till conclusion of the trial. Therefore, for these reasons, the application filed by the applicant deserves to be allowed.
7. Consequently, the application (MCRC No.6708/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge