

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6454 of 2017**

Bhagwan Singh S/o Shri Mahesh Dhruw, aged about 28 years, caste Gond, R/o village Sambalpur, P.S. Arjuni D, Tahsil and District Dhamtari, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Arjuni, Dhamtari, Chhattisgarh.

---- Respondent**AND****M.Cr.C. No. 6632 of 2017**

Nayan Chatterjee S/o Shri Dependra Nath, Aged About 38 Years R/o House No.131/2, Vivekanand Colony, Mopka, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Arjuni, Dhamtari, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Kaushal Yadav and Shri Neeraj Kumar Mehta, Advocates.
For the Respondent/State	:	Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.12.2017**

1. Shri Kaushal Yadav, learned counsel for the applicant in M.Cr.C. No.6454 of 2017 wants to withdraw the bail application of applicant – Bhagwan Singh.
2. Accordingly, M.Cr.C. No.6454 of 2017 is dismissed as withdrawn.
3. M.Cr.C. No. 6632 of 2017 is the first bail application filed on behalf of applicant – Nayan Chatterjee under Section 439 of the Code of Criminal

Procedure, 1973 for grant of regular bail to applicant - Nayan Chatterjee who has been arrested in connection with Crime No. 120 of 2017, registered at Police Station Arjuni, Dhamtari, District Dhamtari, Chhattisgarh for the offence punishable under Section 420/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that applicant – Nayan Chatterjee is in jail since 10.9.2017 and he has been falsely implicated in this case. The written complaint and the FIR registered on the basis of the said complaint does not reflect the name of the applicant. The name of the applicant for the first time was mentioned in the statement under Section 161 of the Cr.P.C. which was recorded later, which shows the false implication of the applicant and he is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the statements of the witnesses show that main accused - Bhagwan Singh and the applicant himself have received the amount by inducing the complainant for procuring job for his siblings. Hence, applicant - Nayan Chatterjee is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. On the basis of the written complaint dated 15.12.2016 the FIR dated 10.5.2017 was recorded. It is mentioned that applicant - Bhagwan Singh in M.Cr.C. No. 6454 of 2017 induced the complainant that he can procure jobs

for his siblings and received a total sum of Rs.10,50,000/- from him. After lodging of FIR, it was for the first time the name of the applicant was mentioned that he was also one of the recipient of the money induced by applicant – Bhagwan Singh.

6. Considering the submissions and the contents of the case diary and also taking into consideration of all the documents on record, I am of the considered opinion that applicant – Nayan Chatterjee in M.Cr.C. No. 6632 of 2017 deserves to be released on bail.

7. Accordingly, the bail application of applicant – Nayan Chatterjee filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant – Nayan Chatterjee in M.Cr.C. No. 6632 of 2017 shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge