

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 461 of 2017**

- Rakesh Dubey S/o S/o Shri Ramji Dubbey, Aged About 21 Years  
R/o Village Shankha Police Station Rehla, District Palamau  
( Jharkhand ) ( Wrongly Mention As Balrampur In Cause Title Of  
Order Sheet )

**---- Petitioner**

**Versus**

- State Of Chhattisgarh Through Police Station Incharge, Police  
Station Balrampur District Balrampur Chhattisgarh

**---- Respondent**

-----  
For Applicant : Mr. Bhupendra Singh, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.  
-----

**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**02-02-2017**

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 5-12-2016 in connection with Crime No. 131 of 2016, registered at Police Station Balrampur, District Balrampur (CG) for the offence punishable under Section 420 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Jaya Govind on 2-12-2016 that the applicant told him that D.A.V. Public school is going to be opened at Tangarmahari and he would be the Principal and received an amount of Rs.3,400/- to get his son Somya Das admitted in the said school. Likewise, he also received Rs.200/- from two other students to get them admitted in the school and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant was running tuition classes and certain forms were taken, therefore, money was taken and the applicant has not played any fraud. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 5-12-2016 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 documents.
6. Perused the statement of the complainant.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 5-12-2016, 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