

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 460 of 2017

Pradeep Kumar Gupta, S/o. Dwarika Gupta, Aged About 27 Years, R/o. Mahaveerganj, Police Station Ramanujganj, District Balrampur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Ramanujganj wrongly written Rajpur, District Balrampur, Chhattisgarh.

---- Respondent

For Applicant : Mr. C.Jayant K. Rao, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/02/2017

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 in connection with Criminal Case No.90/2015 pending before Judicial Magistrate First Class, Ramanujganj (C.G.) for the offence punishable under Sections 468, 471, 205, 120-B alongwith 34 of Indian Penal Code.
2. As per the prosecution case, a Criminal Appeal No.8/2015 which was pending against Rajkumar Gupta wherein the complainant was one Lallu Yadav, S/o. Shivnarayan Yadav, one Jethan was produced as Lallu Yadav and compromise was affected under Section 320(2) of Cr.P.C. and the applicants were acquitted wherein the present applicant who is brother of Rajkumar Gupta identified Jethan as Lallu, therefore, on a complaint made by A.S.J., the present Criminal Case No.90/2015 was registered.

3. Learned counsel for the applicant would submit that in Criminal Case No.90/2015 the other co-accused have been convicted and the present applicant himself has surrendered before the Court and he is in custody and there is no chance of tempering of evidence. He further submits that no further investigation is necessary in this case and the applicant is in jail since 07.11.2016, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents of Criminal Case No.90/2015. Taking into facts of this case, it appears that the applicant is in jail since 07.11.2016 and no further investigation is necessary, therefore. I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-
(Goutam Bhaduri)
Judge