

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1187 of 2017

- Dev Prasad Patel s/o. Shri Khageshwar Patel, aged about 38 years, by caste Aghariya r/o. Village Limdarha, Thana and Tahsil Basna, Civil and Rvenue District Mahasamund (CG).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Sankara, District Mahasamund (CG).

---- Respondents

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-03-2017

1. This is the first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 7-01-2017 in connection with Crime No. 3 of 2017, registered at Police Station Sankara, District Mahasamund (CG), for the offence punishable under Section 408 of the IPC.
2. As per prosecution case, on 6-1-2017 a report was made by the complainant Santosh Shukla that on 5-1-2017 an amount of Rs.11,00,000/- was given to the applicant for distribution of the same in business transaction. However, it was reported by the applicant that some persons lootted Rs.10,90,420/- from him on the point of gun. Thereafter, complainant made enquiry and from the house of the brother of the applicant entire amount of Rs.10,90,420/- was seized.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, no enquiry was made and the alleged amount has been recovered, therefore, no loss has been caused. He would further submit that charge-sheet has been filed, the applicant is in jail since 7-1-2017 and no further investigation is necessary, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties and perused the case diary and documents.
6. Taking into consideration all the facts and circumstances of the case and further considering the fact that charge-sheet has been filed, the applicant is in jail since 7-1-2017, I am inclined to release the applicant on bail.
7. Accordingly, the 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 solvent surety in the like amount to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Raju