

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1995 of 2017

1. Manohari @ Manohar Sahu S/o Moolchand Sahu, Aged About 45 Years, R/o Village- Aanchhi Dongari, Thana- Lormi, Revenue District- Mungeli, Civil District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through : Police Outpost Chilfi, Police Station Lormi, District - Mungeli, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

02-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.58/2017 on 17-2-2017 by Outpost Chilfi, Police Station Lormi, Civil District - Bilaspur, C.G. for the offence under Section 420 of the IPC. After investigation charge sheet has been filed, the same is pending before the JMFC Lormi as Criminal Case No.65/2017. The applicant is the first offender. As per the allegation, the applicant had taken Rs.50,000/- from the complainant for service as Patwari/Jalwahak. After two years, the FIR is lodged, the applicant is falsely implicated on account of some dispute. Learned counsel is not in a position to state what was the nature of the dispute according to the applicant. it is further submitted that in these two years, the complainant had not delivered any demand notice to the applicant. After perusal of the the seizure memo, on the basis of the disclosure statement, it appears that the allegation is false. The matter is triable by JMFC. The applicant is in jail since 17-02-2017. He may be granted bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that for the

sake of appointment as Patwari/Jalwahak to the complainant cash Rs.50,000/- was given by the complainant to the applicant and there was further consideration that Rs.1,50,000/- more shall be given after inductance of the complainant in the service. The complainant after the said transaction demanded the money from the applicant and thereafter lodged the report. Looking to the entire facts that the applicant cheated the complainant for the sake of service of Patwari/Jalwahak, the instant MCRC may be dismissed.

4. Perused the entire material.

5. The delay in lodging the FIR is prima facie explained, till date the applicant has not returned any money to the complainant and looking to the entire facts surfaced, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE