

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3194 of 2017**

Premchandra Lakda S/o Tibhu Ram, Aged About 40 Years R/o D.R.D.A. Colony, Saktipara, Police Station & Tahsil Ambikapur, District Surguja, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Darima, Ambikapur Surguja, Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shrivastava, Advocate.

For the Respondent/State : Shri Anand Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.108 of 2016, registered at Police Station – Darima, District – Surguja, Chhattisgarh for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 3.8.2016 and has been falsely implicated in this case. The amount was paid by the complainant to co-accused – Jagat Pal, on the basis of the inducement. The only allegation against the applicant is that the applicant was present at that time and there is no other evidence in the investigation to connect him with the crime committed. He is a local resident 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 applicant was equally engaged in the commission of crime of fraud and cheating as per the statement of the witnesses recorded in the investigation. Hence, the applicant is not entitled for grant of bail.

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

5. The facts of the case are that co-accused Jagat Pal induced complainant – Suraj Kumar that he can arrange for his appointment, to the post of Peon in Jilla Panchayat, Ambikapur and for which he received Rs.1,00,000/- for doing the same. The applicant and one another were present at the time of receiving the money. No appointment was provided to the complainant. The complainant approached the applicant and others but he could not get any refund. It was found in the investigation that the applicant and others have been involved in various similar cases.

6. Considering the submissions made and the contents of the case diary and looking to the fact that the applicant is a local resident and there shall be no difficulty in his availability during trial and the trial of the case is likely to take some time for its final disposal, the application deserves to be allowed.

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

8. It is directed that the applicant 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