

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4998 of 2017**

Ajay Kumar, S/o. Shivkumar Mishra, aged about 26 years, Occupation-Service, R/o. C-15, Noida, Sector-51, Goutam Budh Nagar (Uttar Pradesh)

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Out Post – Kanderka, Police Station – Berla, District – Bemetara (C.G.).

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. O.P. Sahu, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**08/11/2017**

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.46/2017, registered at Police Station – Out Post - Kanderka, Berla, District – Bemetara (C.G.) for the offence punishable under Section 420, 120(B) of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. It is submitted that he is an employee of ICICI Bank at Noida and he is holder of one account in the same bank. He has no knowledge as to how Rs.80,000/- was deposited in his account. As per the allegations in the case, the main accused Anurag Thakur induced the complainant to deposit some

amount and he has given the account of the applicant. Hence, the applicant has not made any demand from the complainant. It is further submitted that the complainant and applicant have entered into compromise and the application presented before the trial Court for compounding of offence has been rejected, certified copy of the said documents are also filed before this Court, therefore, the counsel prays that the applicant may 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 is friend of the main accused Anurag Thakur. Further when amount was deposited in his account, it was required from the applicant to verify as to how that amount was deposited which he has not done, this shows that the applicant acted in collaboration with main accused, hence, for this reasons, the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Considering the submission made and the contents of the case diary and specifically perusing the statement of the complainant that he has deposited the amount in the account of the applicant at the instance of main accused – Anurag Thakur, and applicant had never been present on the scene of crime, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

7. It is directed that 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram