

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 728 of 2017

1. Gopalram Kurre S/o Bodhawaram Kurre, Aged About 63 Years (wrongly mentioned as 54 years) By Caste Satnami, By Occupation Service (Postmen)
2. Yogesh Kumar Kurre, S/o Gopalram Satnami, Aged About 32 Years, By Occupation Teacher,

Both R/o Village Khaira, Tahsil And Tahana Dabara District Janjgir Champa, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through District Magistrate, District Janjgir- Champa, Chhattisgarh.

---- Respondent

And

MCRC No. 5208 Of 2017

- Bhupendra Kumar Kurre S/o Gopalram Kurre, Aged About 30 Years, By Caste Satnami, R/o Village Khaira, Tahsil And Thana Sakti, District Janjgir Champa, Chhattisgarh.

---- Petitioner

Vs

- State Of Chhattisgarh Through District Magistrate, Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicants
For Respondent /State
For Objectors

Mr. Parag Kotecha, Advocate
Mr. R. Tripathi, Panel Lawyer
Mr. Arvind Shrivastava and Mr. H.K. Sharma
Advocates

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

13/12/2017

MCRCA No.728 of 2017

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.267/17, registered at Police Station Dabra, District Janjgir-Champa (CG) for the offence punishable under Section 420/34 of IPC.
3. It is alleged that the applicants induced the victim to pay Rs.5 lakhs for obtaining employment and received Rs.3 lakhs on 09.11.2016. When the applicants did not arrange employment nor returned the amount, the victim requested for refund, on which, the applicants allegedly threatened him of false implication in criminal case.
4. It is argued by learned counsel for the applicants that on 08.11.2016, the currency note of Rs.500-1000/- were demonetised, therefore, the allegations that the applicants had received the amount on 09.11.2016 is *per se* false.
5. Learned counsel for the State as well as learned counsel for the Objector would vehemently oppose the bail application.
6. Considering the entire facts situation of the case, particularly

for the reason that the offence is triable by the Judicial Magistrate First Class and the investigation is complete as the charge sheet has already been filed, I am of the opinion that present is a fit case, in which, the benefit of Section 438 of Cr.PC should be extended to the applicants.

7. Accordingly, the bail application is allowed and it is directed that in the event of arrest of applicants **Gopalram Kurre** and **Yogesh Kumar Kurre**, if each of them furnishes a personal bond for a sum of Rs.25,000/- with one surety each of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then, they shall be released on bail on the following further conditions :

- (i) that the applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required ;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

MCRC No.5208 of 2017

1. Heard.

2. This is an 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 Crime No.267/17, registered at Police Station Dabra, District Janjgir-Champa (CG) for the offence punishable under Section 420/34 of IPC.
3. The facts and submissions mentioned in para 3, 4 & 5 of the order passed above in MCRC No.728/2017 shall also apply in the present MCRC No.5208 of 2017.
4. Considering the entire facts' situation of the case, particularly for the reason that the offence is triable by the Judicial Magistrate First Class; the investigation is complete as the charge sheet has already been filed and; the applicant is in jail since 28.7.2017, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
5. Accordingly, the application is allowed and applicant **Bhupendra Kumar Kurre** is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

6. Certified copy as per rules. Sd/-

Judge
(Prashant Kumar Mishra)

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