

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6774 of 2017

- Toran Singh Tembhurkar S/o Late Shri Guharam Tembhukar, Aged About 38 Years, (wrongly mentioned the surname of the applicant as Tembhukar in the cause title of the rejection order), R/o Village and Post Mudhpar, Police Station- Chilhati, District Rajnandgaon, Chhattisgarh. Present R/o – K.B.T. 365, Phase-03, Kabir Nagar, Raipur, District Raipur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Kabir Nagar, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-12-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for regular bail. The applicant was arrested on 08-07-2017 in connection with Crime No.55/2017 registered at P.S. Kabir Nagar, District Raipur, C.G. for the offence under Section 420 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The allegation as made in the FIR that the applicant received the amount from complainant on 11-04-2016 in capacity of Cashier of Drawid Scouts Guide Organization, whereas the organization was established on 20-04-2016 and the applicant was appointed to the post of Treasurer in the month of May 2016, which shows that the allegation is false. The applicant is local resident, he is

ready to abide by all the conditions imposed on grant of bail. He is in jail since 08-07-2017. Trial of case is likely to take some time. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the applicant was though not in any capacity, he induced and cheated the complainant by receiving huge amount for procuring jobs for the concerned. Hence, he is not entitled for grant of bail.

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

5. Facts of the case are these that complainant Lalit Bendre has given written complaint that the applicant was his neighbour who induced the complainant and others that he can procure government jobs for them and in return he asked Rs.1,85,000/- to be paid to him. On payment made by the complainant and others, the applicant engaged the complainant and others in some jobs with the scouts guide organization and some salary was also paid to them for some months. On disclosure, later on, that the complainant and others were not engaged in any government job, the complainant and others asked for refund of the amount given to the applicant and on his refusal the complaint has been made.

6. Considering the facts and circumstances of this case and taking into consideration this fact that the applicant is local resident, trial of the case is likely to take some time for its conclusion, for these reasons, this Court is of the considered view that this is a fit case where the applicant should be enlarged on regular bail.

7. Consequently, the application (MCRC No.6774/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. 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 surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge