

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6784 of 2017

- Nekram S/o Peelaram Jaiswal Aged About 26 Years R/o Village Nagdha, Police Station Nandghat Tahsil Nawagarh, District Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bemetara, District (Revenue And Civil) Bemetara Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sumit Jhanwar, Advocate
For Respondent	:	Mr.Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/12/2017

1. This is the first bail 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. 461/2017, registered at Police-station-Bemetara, District(Revenue & Civil)– Bemetara(C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 8.9.2017. As per the statement of witnesses, it is clear that the main accused in this case had been Chokhram Singh, who gave inducement to the complainant and others that he can arrange for the appointments of the concerned in government jobs and received amount from them. Applicant was employed as a Driver of the main

accused and he has no role to play in the said commission of offence, hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that witnesses have given statement that applicant has equally participated in the commission of offence, hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The fact of the case are these, that applicant and co-accused Chokhram Singh gave inducement to complainant and others that both of them can arrange for appointments of job in government for the concerned and received Rs.6 lakhs from 3 persons. After disclosure of the fraud, complainant and others demanded the refund from applicant and others, which was not refunded and then the complaint was filed in the police-station.
6. Taking into consideration this fact that the case is triable by Judicial Magistrate and that the applicant is local resident of District-Bemetara whose availability before the trial Court shall not be compromised if he is enlarged on bail, hence, this appears to be a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge