

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7901 of 2016

1. Jitendra Kumar Rathiya @ Jitu, aged about 21 years, S/o. Dhani Ram, R/o. Village- Chhotepandarmuda, P.S. & Tahsil Kharsiya, District – Raigarh (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Sakti, District – Janjgir-Champa (Chhattisgarh)

---- Respondent

For Applicant	: Mr. F.S. Khare, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/01/2017

1. This is the second 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.35/2016, registered at Police Station – Sakti, District – Janjgir-Champa (C.G.) for the offence punishable under Section 420, 467, 468 & 471 of the Indian Penal Code. The first bail application was dismissed as withdrawn vide order dated 01.07.2016 in M.Cr.C. No.2852/2016.
2. Case of the prosecution, in brief, is that a report was made by one Ganga Ram Rathiya on behalf of Laghu Vanopaj Sahkari Samiti that in between period of 25.01.2016 to 28.01.2016 an amount of Rs.3,45,000/- was withdrawn from the bank account and was deposited in the account of the present applicant. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant and the complainant are the resident of same village and the applicant has been falsely implicated in this case. It is further submitted that entire amount of Rs.3,45,000/- has been paid and has been deposited in the bank account of Laghu Vanopaj Sahkari Samiti and the applicant is in jail since 10.02.2016. Therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary, documents as also the bank receipt, which shows that Rs.3,45,000/- has been deposited in the account of Laghu Vanopaj Sahkari Samiti. Considering the facts and circumstances of the case and the fact that entire amount has been deposited, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge