

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 181 of 2017

- Shiv Narayan Singh S/o Late Laxmi Prasad Singh Aged About 46 Years R/o Village Patel Para Basantpur, Police Station Basantpur, District Balrampur- Ramanujganj, Chhattisgarh. At Present R/o Ramanujganj Road Quarter No.4 In Front Of I.G. Bungalow Ambikapur, Police Station & Tahsil Ambikapur, District Sarguja, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Ambikapur, District Sarguja, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. D.N. Prajapati, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-01-2017

1. This is a second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 7-6-2016 in connection with Crime No. 32 of 2015, registered at Police Station Ambikapur, District Sarguja (CG) for the offence punishable under Section 420 of the IPC. Earlier first bail application was dismissed on merits on 5-9-2016.
2. As per prosecution case, a report was made by the complainants Rajkumar, Ramkishun & Pradeep Kumar that in order to provide job, the applicant obtained an amount of Rs.2,90,000/- from them for which a report was made initially to the Collector. Subsequently, after investigation, the applicant was arrested and the charge sheet was filed.
3. Learned counsel appearing for the applicant would submit that complainants namely Rajkumar, Ramkishun & Pradeep Kumar have been

examined and they have stated that there was a monetary transaction in between the parties and they have not supported the prosecution case. He would further submit that the applicant has been falsely implicated in the case, he is in jail since 7-6-2016, charge-sheet in this case has been filed and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the complainants have been examined and they have not supported the prosecution case.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the complainants Rajkumar, Ramkishun & Pradeep Kumar which would show that they have not supported the prosecution case.
7. Taking into consideration facts and circumstances of the case, and further considering the fact that the complainants have not supported the prosecution case, without further observation on the merits of the case, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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 trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Raju