

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 725 of 2017

- Tarun Vaishnav S/o Umesh Vaishnav, Aged About 27 Years R/o Ward No. 15, Nagar Panchayat Saja, Tahsil Saja District Bemetara Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer Police Station Bemetara, District Bemetara Chhattisgarh

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-02-2017

1. This is 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 17-10-2016 in connection with Crime No.546 of 2016, registered at Police Station Bemetara, District Bemetara (CG) for the offence punishable under Section 420 of the IPC. Earlier first bail application was dismissed as withdrawn with liberty to file afresh after payment of money to the complainants on 19-12-2016.
2. As per prosecution case, a report was made by the complainants namely Rakesh Sahu and Ramak Sahu that the applicant in order to provide Government job to the complainants had obtained total Rs.8,00,000/- from nine persons and certain appointment letters were also issued to them which were found to be forged and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that subsequently, compromise has been effected by the applicant and the

complainants, as per Annexure A/3 Rs.5,00,000/- have been returned and for rest of the amount cheques have been given on 19-1-2017. It is further submitted that charge-sheet has been filed in this case, the applicant is in jail since 17-10-2016 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.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. State was directed to verify the fact as to whether any agreement between the applicant and the complainants has been executed or not. The State counsel has placed the report before this Court which would show that an agreement has been executed, Rs. 5,00,000/- have been returned by the father of the applicant and for rest of the amount cheques have been given and the agreement has been authenticated.
7. Taking into consideration the facts and circumstances of the case and further considering the fact that the parties have entered into compromise after payment of the money to the complainants and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 17-10-2016, 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

