

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1034 of 2017**

Hemant Kumar Sahu, S/o Shri Gokulram Sahu, aged about 45 years, R/o 99 G, Rishali Sector, Bhilai, District Durg (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Newai (wrongly mentioned as Ranitarai), District Durg (CG).

---- Non-applicant

For Applicant : Mr. B.P. Singh, Advocate

For Non-applicant : Mr. Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

26/04/2017

(1) Heard.

(2) 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 on 16.10.2014 in connection with Crime No.368/2011, registered at Police Station Newai, District Durg, for the offence punishable under Sections 420, 467, 468, 471/34 of Indian Penal Code.

(3) The first bail application of the applicant was dismissed as withdrawn with liberty to file the same with correct crime number by this Court vide order dated 28.01.2015 passed in M.Cr.C. No.93/2015.

(4) Case of the prosecution, in brief, is that present applicant obtained huge amount from the complainant for securing employment for his son and daughter and thereby, committed the aforesaid

offence.

(5) Learned counsel appearing for the applicant submits that the applicant has been falsely implicated in the crime in question, out of 13 witnesses only four witnesses have been examined before the trial court, charge-sheet has already been filed and no custodial interrogation is required and the applicant is in jail since 16.10.2014. He further submits that as the appeal is likely to take some time for its final disposal and, therefore, the applicant may be released on bail.

(6) On the other hand, learned counsel for the State opposes the bail application.

(7) I have heard the counsel appearing for the parties and perused the case diary with utmost circumspection.

(8) Taking into consideration, the facts and circumstances of the case and looking to the nature and gravity of the offence and the facts that the present applicant is in jail since 16.10.2014 and the charge-sheet has already been filed against the applicant, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the second bail application is allowed.

(9) Applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.1,00,000/- with one surety in the like sum to the satisfaction of the trial Court. He directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-