

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1922 of 2017

Bhanupratap Mahant @ Pappu, S/o. Bhupdev Prasad Mahant, Aged About 24 Years, Caste Panika, R/o. Village Kharkena, Police Station & Tahsil Dabhara, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Katraroad, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/04/2017

1. This is the 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 in connection with Crime No.123/2015 registered at Police Station- Kotraroad, District Raigarh (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B/34 of Indian Penal Code. The first bail application was dismissed on merit on 07.09.2016 in MCRC No.5215 of 2016.
2. As per the prosecution case, the applicant alongwith co-accused has obtained an amount of Rs.2 Lakhs from Suraj Kumar as also obtained amount from Vijay Khunte and Gaurav to get them job in Jindal Steel. Thereafter, medical verifications were carried out and certain appointment letters were issued, which were found to be fake.

3. Learned counsel for the applicant would submit that the main accused Nutan Das has been enlarged on bail by the learned trial Court in a default under Section 167(2) of Cr.P.C. on 01.08.2015. He referred to the order sheets filed along-with the bail application and would submit on the basis of that since Nutan Das, the main accused to whom the entire money was paid, has been enlarged on bail, the other co-accused have also been released on bail by this Court and the co-ordinate Bench; consequently, the present applicant may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the order dated 09.02.2016 passed in MCRC No.743 of 2016 wherein one of the accused has been released on bail on the ground that the main accused has been enlarged on bail. Further, the order sheets would show that till the charges have not been framed and the applicant is in jail since 29.07.2016. Considering the same, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on 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 his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge