

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1804 of 2017

- Kritika Mojes W/o Sumeet Kumar Mojes, Aged About 24 Years R/o Near Satbahaniya Mandir, Jora Para, Police Station Moudhapara, Tehsil And District Raipur Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through Police of Police Station Civil Line, Civil District Revenue District Raipur Chhattisgarh

---- **Respondent**

For Applicant : Mr. Pallav Mishra, Advocate

For Respondent/State : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

6-4-2017

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 19-12-2016 in connection with Crime No. 815 of 2016, registered at Police Station Civil Line, Raipur, District Raipur (CG) for the offence punishable under Section 384/34 of the IPC.
2. As per prosecution case, on 18-12-2016 one Harihar Prasad Dewangan was handed over to exchange the notes by Vicky Sankhala of Rs.21,25,000/-, at that time one Katara of Police caught hold of him. Thereafter, the accused roamed around for quite time and extended threat that complainant will be lodged inside the jail. Thereafter only Rs.4,10,000/- was given back to Harihar Prasad Dewangan while rest of the amount was taken away. It is further alleged that present applicant was also in

conspiracy and information was given by the present applicant along with other co-accused Paradesiram Katare, Imran and Khalid, therefore, execution could have been made and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that this is a second bail petition, earlier first bail petition was dismissed on the ground that charge-sheet was not filed. He would further submit that the applicant was not in any way related with the crime and neither he was present in the crime scene nor committed any offence. It is further submitted that the said conversation was not done by the present applicant and the main allegation is attributed to other co-accused Paradesiram Katare. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 19-12-2016 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 memorandum statement of the accused and also the statement of the victim which would show that main allegation is attributed to Paradesiram Katare, Imran and Khalid.
6. Taking into consideration all the facts and circumstances of the case and considering the memorandum statement of co-accused and the applicant and statement of victim, considering the role played by this applicant and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 19-12-2016, this court is inclined to release the applicant on bail.

7. 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