

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 538 of 2018**

Fuleshwar Yadav, S/o. Gulabram Yadav, Aged About 32 Years, R/o. Sankra Road, Nagri, Post Office, Police Station And Tahsil Nagri, District -Dhamtari Chhattisgarh, District : -Dhamtari, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Nagri, District -Dhamtari, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 751 of 2018**

Bhavesk Kumar Verma, S/o. Rajendra Verma Aged About 30 Years, R/o. Tulsi Nagar, Pahadi Para, Gudhiyari, Post Office - Raipur, Police Station -Gudhiyari, Raipur, District -Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Nagri, District Dhamtari Chhattisgarh,

---- Respondent

For Applicants : Mr. Shivendu Pandya, Advocate

For State/respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/03/2018**

- Both the bail applications are heard and decided together by this

common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.88/2017, registered at Police Station – Nagri, District – Dhamtari (C.G.), for the offence punishable under Section 420, 467, 471/34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 28.10.2017. Charge-sheet in this case have been filed and now the case is before the trial Court. Trial against them is likely to take sometime for its conclusion, therefore, it is prayed that the applicants may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that the applicant -Fuleshwar Yadav is beneficiary of the withdrawal made through the forged cheque, whereas, the applicant Bhavesh Kumar Verma is the person who facilitated in this fraudulent transaction, hence, both of them are not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, one cheque purportedly issued by the Rogi Kalyan Samiti Rana Ghat Nadiya (W.B.) of Rs.9.5 Lakhs was deposited in the account of applicant – Fuleshwar Yadav on condition that Fuleshwar Yadav will withdraw the amount and return the amount

of Rs.8.00 lakhs to co-accused Mahesh Sahu and the applicant – Bhavesh Kumar Verma. Complainant C. Shrinivas, Branch Manager of the State Bank of India, Nagri Branch lodged FIR in Police Station – Nagari alleging that forged cheque was presented for encashment by the applicant and one another. During the investigation, this evidence came to fore that no such cheque was issued by the concerned Rogi Kalyan Samiti Rana Ghat Nadiya (WB). Hence this case.

7. Considered on the submissions made and the contents of the case diary. Further considering the entire material present in the charge-sheet as the recovery of more than Rs.8.00 lakhs has been made and refunded to the Rogi Kalyan Samiti Rana Ghat Nadiya (W.B.), applicants are local residents and presently after filing of the charge-sheet, trial of the case is likely to take sometime, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge