

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 496 of 2018

1. Raghuvir Lautre S/o Shivbalak Lautre (wrongly mention as Rautre), Aged About 42 Years, R/o Village Teka, Thana Lalbagh, Tahsil and District Rajnandgaon, Chhattisgarh., Chhattisgarh
2. Dwarka Prasad Lautre S/o Shivbalak Lautre (wrongly mention as Rautre), Aged About 37 Years, R/o Village Teka, Thana Lalbagh, Tahsil and District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicants

Versus

- The State of Chhattisgarh Through Police Station Lalbagh, District Rajnandgaon, Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicants – Shri Parag Kotecha, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicant No.1 has been arrested on 23-06-2017 and applicant No.2 has been arrested on 07-07-2017 in connection with Crime No.134/17 registered at P.S. Lalbagh, District Rajnandgaon, Chhattisgarh for the offence under Section 420, 34 of the IPC.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. Applicant No.1 is in jail since 23-06-2017 and applicant No.2 is in jail since 07-07-2017. Charge sheet has been filed after completion of the investigation and the case is before the trial Court. So far the witnesses who have been examined, have not supported the case of prosecution and declared hostile, hence, under these circumstances, both the applicants may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that two main witnesses are still remaining to be examined who

have given statement that the applicants have cheated them by receiving money on the pretext of arranging appointment for them. Hence, no case is made out for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. According to the prosecution case, both the applicants induced complainant Bhupendra Kumar and others that they have acquaintance with high officials of railway department and they can arrange for the job for the complainant and others, in return, the complainant and others shall be required to pay money for that. On the basis of inducement given complainant Bhupendra Kumar Nandeshwar and 7 others gave some money in advance to the applicants. As no job could be arranged by the applicants and the complainant and others came to know about the fraud committed, hence the FIR was lodged.

6. Considered on the submissions made and contents of the case diary. Perused certified copy of the deposition of the witnesses before the trial Court. The main witnesses who happened to be the complainant and other persons cheated have not supported the case of prosecution. Further, the trial is still pending and the applicants are in jail since quite some time. Hence, for these reasons, I feel inclined to grant bail to both these applicants.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge