

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 748 of 2018**

Khadal Swai S/o Abhimanyu Swai Aged About 46 Years Cast Rajput,
R/o Village Jyoti Nagar Dipka Ward No. 3, Thana Dipka District
Korba Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Dipka, District Korba
Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Vikash Pandey, Advocate
For State	:	Mr. Aushutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28/03/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 187/2017 registered at Police Station Dipka, District Korba, Chhattisgarh for the offence punishable under Sections 420, 294, 506 of Indian Penal Code.
2. The present applicant is in jail since 27.12.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the prosecution case is that the complainant Sanjay Kichi is said to have filed a written complaint at Police Station Dipka that the present applicant is said to have on the pretext of getting government employment has taken Rs.20,000/- from the complainant 4 years back.
4. Counsel for the applicant submits that the bare reading of the complaint itself would show that there is no specific detail of any transaction made between the present applicant and the

complainant and that the transaction if at all it is to be accepted also is that of 4 years back and the complainant has not had any grievance in between. Moreover he submits that the present applicant has already remained in custody for a period of more than 3 months and therefore he may be released on bail.

5. The State counsel however opposes the bail application on the ground that the charges leveled against the present applicant is quite serious and on the pretext of providing government employment the present applicant is said to have extracted money from the complainant, therefore looking to the nature of offence he does not deserve bail.
6. Having considered the facts and circumstances of the case, particularly taking into consideration the period of custody undergone, the nature of the offence and the period of offence having being committed 4 years ago without there being any specific details, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
7. 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 Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge