

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7808 of 2017

- Manish Kumar Chaturvedi S/o Ramayan Prasad Chaturvedi, Aged About 23 Years R/o Mahsaon, P. S. Gurh, District Rewa M. P. At Present R/o First Batallion S A F, Residential Line, Bhilai, Qtr. No. 819, Infront Of Kalimandir, P. S. Supela, Bhilai Tahsil And District Durg Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Supela, District Durg Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant	:	Mr. Uttam Pandey, Advocate.
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

21/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 654/2017, registered at Police Station- Supela, District – Durg(C.G.) for the offence punishable under Sections 420, 406 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. After completion of investigation, charge-sheet has been filed. Applicant is employed as constable in First Battalion SAF and posted at Bhilai. Applicant is in jail since 15.8.2017 and he is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant is permanent resident of Madhya Pradesh and in case he does not appear before the concerned Court then the trial against him may be with held, hence, his application may be rejected.
4. Heard both the parties and perused the case diary.
5. The allegations against this applicant is this, that on pretext of facilitating the admission of siblings of complainant Smt. Hemlata Rayakwar and Sunita Kori, he in total received Rs.8,21,000/- by inducement fraudulently and he also executed two agreement in favour of the complainants. As the admission of the siblings of the complainants could not be obtained, the complainants demanded for refund, because of refusal by this applicant, the FIR was lodged.
6. Considered.
7. As it appears that applicant is a public servant and that there is no likelihood of his absconsion, further, after the filing of charge-sheet the trial against him is likely to take some time. For this reason, I am of this view this is a fit case where the applicant should be released on regular bail.
8. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his 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 their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge