

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.964 of 2018**

Satya Prakash Sao, aged about 47 years, son of Shri Jainarayan Sao, r/o In front of Cheer Bangla, Balauda Bazar, P.S. City Kotwali, Balauda Bazar, District Balauda Bazar – Bhatapara, Chhattisgarh, presently resided at Pachpedi Naka, Tikarapara, Raipur, District Raipur, Chhattisgarh

---- Applicant**versus**

The State of Chhattisgarh through the Police Station City Kotwali, District Balauda Bazar – Bhatapara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Pushpendra Kumar Patel, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****5.4.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the Applicant who has been arrested in connection with Crime No.526 of 2017 registered at Police Station City Kotwali, District Balauda Bazar - Bhatapara for offence punishable under Section 420 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that a written report was lodged by Complainant Kamal Narayan Jangde against the Applicant alleging that even after payment of the entire tuition-fee for the course of B.C.A., the Complainant was not allowed to participate in the examination, but a fake certificate was issued under registration No.1011401717 due to which period of two years have elapsed. When the Complainant asked for refund of

his money, the Applicant refused to refund the same. On the report, the offence under Section 420 of the Indian Penal Code has been registered against the Applicant and he has been taken into custody on 24.11.2017 and since then he is in jail.

3. Learned Counsel appearing for the Applicant submits that the Applicant has been falsely implicated in the case. He is innocent. It is further submitted that *prima facie* no case is made out against the Applicant. The alleged dispute is of civil nature. Charge-sheet has been filed. The Applicant is in jail since 24.11.2017. Trial will take a long time. Therefore, he may be released on bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
6. Taking into consideration the facts and circumstances of the case and the facts that charge-sheet has been filed, the Applicant is in jail since 24.11.2017 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.10,000/- with one solvent surety in the like sum to the satisfaction of the concerned

Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE

Gopal