

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8071 of 2017

- Siddharth Singh Sidar @ Suman Singh S/o Sukhram Sidar, Aged About 40 Years, R/o Parsada (Bed), P. S. Masturi, District Bilaspur Chhattisgarh Temporary R/o Village Madan, P. S. Pali, District Korba Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pali, District Korba Chhattisgarh , Chhattisgarh

---- Non-applicant

MCRC No. 93 of 2018

- Siddharth Singh Sidar @ Suman Singh S/o Sukhram Sidar, Aged About 40 Years, R/o Parsada (Bed), P. S. Masturi, District Bilaspur Chhattisgarh Temporary, R/o Village Madan, P. S. Pali, District Korba Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pali, District Korba Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri Awadh Tripathi, Advocate (in both MCRC).
For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

12-03-2018

1. As the applicant is same in both the cases though the crime number are different, both these applications are being decided by this common order.
2. These are first bail applications filed by the applicant before this Court under Section 439 of the Cr.P.C. for grant of regular bail. Date of arrest of the applicant in MCRC No.93/2018 is 07-06-2017 and in MCRC No.8071/2017 is 27-07-2017. The applicant has been arrested in connection with crime No.130/2017 (in MCRC No.8071/2017) registered at P.S. Pali, District Korba, C.G. for the offence under Section 419, 420 of the IPC and in connection with crime No.74/2017 (in MCRC No.93/2018) registered at P.S. Pali, District Korba, C.G. for the offence under Section 420/34 of the IPC.
3. It is submitted by learned counsel for the applicant in MCRC 8071/2017

(Crime No.130/2017) that the applicant has been falsely implicated in this case. Complainant Binda Prasad Sahu runs a photocopy shop. As the applicant was running an institute for imparting coaching for IAS examination and with regard to the services utilized of photocopy from the shop of the complainant, the applicant could not pay the amount of bill raised of about Rs.51,000/-, because of which, the complainant has lodged the false FIR against him alleging that he has received the amount on the pretext of arranging job for his son. Hence, no case is made out against the applicant. Hence, it is prayed that the applicant may be released on bail in this case.

4. Learned counsel for the State/non-applicant opposes the application and submits that in the FIR and the statement of the complainant, there is clear allegation that on the pretext of arranging job for the son of the complainant, the applicant has received illegal gratification, hence, he is not entitled for grant of bail in this case.

5. Learned counsel for the applicant in MCRC No.93/2018 submits that complainant Shyamlal Banjare had in fact entered into an agreement for purchase of a land, by way of advance for the same agreement complainant deposited Rs.5,00,000/- by RTGS in the account of co-accused Pushpa Sidar who happens to be wife of this applicant. As the agreement for sale was terminated between the parties, a cheque was issued by co-accused Pushpa Sidar in the name of this complainant in return of the advance amount. On demand made by the complainant for interest, a blank cheque was given for that purpose, which was misused by making that cheque of Rs.10 lacs which was presented for payment and has bounced. A separate case under Section 138 of the Negotiable Instruments Act has been filed against Smt. Pushpa Sidar. It is also submitted that after the failure of the transaction between the parties, a legal notice was served on Pushpa Sidar by Shyamlal Banjare dated 20-02-2017, copy of which has been annexed with the application in which

nowhere mentioned that the amount given to Pushpa Sidar had in relation with the offence as alleged to have been committed by this applicant and co-accused Pushpa Sidar. Hence, the case of the prosecution is totally concocted on the basis of false statement given by the complainant and other witnesses. The co-accused has been granted bail in this case by this Court. Hence, it is prayed that the applicant may be granted bail in this case.

6. Learned State counsel while opposing this application submits that the complainant has in his statement in the investigation has made clear allegation that in the garb of arranging for the job for the son of the complainant, the applicant impersonated as Senior IAS Officer and also informed the complainant that he has close relation with high ranking officers of this State and he can arrange for the job for the son of the complainant, for which he demanded Rs. 25,00,000/-. The complainant has deposited Rs.5,00,000/- in the account of co-accused Pushpa Sidar and has paid in cash the remaining Rs.10,00,000/-. Hence, looking to this direct allegation against the applicant he is not entitled for grant of bail.

7. Heard learned counsel for the parties and perused the case diary.

8. In Crime No.130/2017 (MCRC No.8071/2017) the complaint is this that, the applicant received Rs.60,000/- from complainant Binda Prasad Sahu for arranging the job of Mining Sardar for the son of the complainant. In Crime No.74/2017 (MCRC No.93/2018) it is alleged that the applicant received Rs.15,00,000/- from complainant Shyamlal Banjare to arrange for the job of Deputy Collector or DSP for the son of this complainant.

9. Considered on the submissions and entire material present in the case diary in both the cases. As it appears that charge sheet has been filed, the case is presently before the Court of JMFC, the case is triable by the JMFC, further, the trial against this applicant is likely to take some time before its conclusion, also taking into consideration the fact that co-accused has been

granted bail, I am of this view that both the applications filed by the applicant for grant of regular bail deserve to be allowed.

10. Consequently, both the applications filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicant shall be released on bail on his furnishing in each case 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 as and when directed.

11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge