

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1363 of 2018

- Gopal Parnami S/o Late Biharilal Parnami Aged About 59 Years R/o.- C/27, Street No.- 04, Banshi Vihar, Parasdham Road, Borsi, Post Office And Police Station- Pulgaon, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate.
For Respondent : Mr. V.B. Singh, Panel Lawyer.

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

14/03/2018

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.27/2018, registered at Police Station – Durg, District– Durg(C.G.) for the offence punishable under Section 420 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant and the complainant both are relatives and on account of relationship between them, applicant had borrowed Rs.11,50,000/- from the complainant which he could not return in time because of which the complainant has lodged a false FIR against the applicant alleging that amount was obtained by the applicant on the pretext that he would arrange a job of

Supervisor for him in Reliance Company. No case is made out against this applicant. Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Learned counsel for the Objector while adopting the argument advanced by learned counsel for State, would further submits that it was not a case of simple money transaction but applicant has clearly received the amount as consideration for arranging a job for the complainant but neither the job has been arranged nor the amount has been returned to the complainant. Hence, no case is made out for grant of bail.
5. In reply, counsel for applicant submits that applicant is ready to return the entire amount due to the complainant.
6. Heard both the parties and perused the case diary.
7. The allegation against this applicant, according to the case of prosecution, is simply that he had obtained, by way of illegal gratification, a sum of Rs.11,50,000/- from the complainant to arrange a job for him in Reliance Company and when the job could not be arranged, as promised, the complainant demanded back the amount which the applicant failed to return and therefore FIR has been lodged.
8. Considering the material present in the case diary, there is no criminal history against this applicant, he is in jail for quite some time, the charge sheet has already been filed and trial is likely to some time for its disposal, I am of this view that this is a fit case where applicant should be granted regular bail.

9. Accordingly, the 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 his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha