

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1471 of 2018**

Dinesh Bhartiya, S/o. Manharan Lal Bharti, Aged About 45 Years, R/o.- Godadih, Police Station- Pachpedi, Tahsil Masturi, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- District Magistrate, Bilaspur, District- Bilaspur, Chhattisgarh and also Through Police Station- Sarkanda, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. D. Kushwaha, Advocate

For State/respondent : Mr. Sanjeev Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**23/04/2018**

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.228/2017, registered at Police Station – Sarkanda, District – Bilaspur (C.G.), for the offence punishable under Section 420, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 21.04.2017. Charge-sheet has been filed after completion of investigation. No case is made out against the applicant on the basis

of the material present in the charge-sheet. It is submitted that the co-accused persons namely Jaleshwar Cheskar has been granted bail by this Court and this applicant also has a similar case against him. Therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the case of the prosecution, this applicant was President of Krishi Avam Pashupalan Bahueddishiya Sahkari Samiti Maryadit, Bilapur with registration No.347. On 24.04.2016, an advertisement was published by the society of this applicant inviting application for appointment to various posts. Complainant and others have filed application for appointment and some of them were selected. It is alleged that services of the complainant and others were exploited for whole year, but the salary of only two months was paid to them. Thereafter, the society was closed. It is also stated that complainant and others had some security deposits and on being asked for refund, the applicant has not refunded the same. Hence this case.
6. Considered on the submissions made and the contents of the case diary. Considering the entire material present in the case diary, it appears that the complainant and others have grievances that after getting appointment, they were not paid salary. Considering the facts and circumstances of the case and further taking into consideration this fact that the applicant is in jail since 21.04.2017 and the trial of the

case against the applicant is likely to take some time for its conclusion, hence, for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge