

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1608 of 2018

Narendra Kumar Chandrikapure S/o P.R. Chandrikapure, aged about 45 years,
R/o Ward No. 27, Shankarnagar, Jugdella Champa Distt. Janjgir- Champa
(C.G.).

---- Applicant

Versus

State of Chhattisgarh through Thana Kukdur, Tahsil Pandariya (C.G.).

---- Respondent

AND

MCRC No. 2111 of 2018

Suraj Prasad Sharma S/o Late Devi Prasad Sharma, aged about 38 years, R/o
Amaruva, P.S. Saragaon, District- Janjgir-Champa (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through: the Station House Officer, Police Station-
Kukdur, District- Kabirdham (C.G.).

---- Respondent

For Applicant:	Mr. Kishor Bharat, Adv. (In MCRC No. 1608/2018)
For Applicant:	Mr. Basant Kaiwartya, Adv. (In MCRC No. 2111/2018).
For Respondent :	Mr. Arvind Shukla, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

19/06/2018

1. Heard.
2. Since both the cases arise out of same Crime number, therefore, they are being disposed of by this common order.
3. The applicants have preferred first bail applications (in both the cases) under Section 439 of the Cr.P.C for grant of regular bails as they are

arrested in connection with Crime No. 93/2017 registered at Police Station- Kukdur, District- Kabirdham (C.G.) for the offence punishable under Sections 420, 467, 468 & 471/34 of IPC.

4. As per prosecution story complainant- Ravishankar Shrivastava is working as Salesman in Adavasi Seva Sahakari Samiti, Kukdur. In the year 2013, applicant- Narendra Kumar (In MCRC No. 1608/2018) met with the complainant and told him that he know such person who promote him in Jila Sahkari Central Bank, Bilaspur. Later on, applicant- Narendra with applicant- Suraj Shamra met with the complainant and offered him for appointment of clerk post by demanding Rs. 5 lakh. They obtained Rs. 7.5 lakhs from the complainant and gave appointment letter of Jila Sahakari Central Bank, Bilaspur Branch, Seepat, which was forged. On the said complaint, an offence was registered. The matter was investigated and the applicants were arrested. After investigation, a charge-sheet was filed against the applicants.
5. Mr. Kishore Bharat, learned counsel appearing on behalf of applicant- Narendra Kumar Chandrikapure submits that the said applicant has been falsely implicated in the case in question. As per the affidavit of co-accused- Suraj Sharma, the amount was obtained by Suraj Sharma himself and the role of applicant- Narendra is only to witness such transaction. It is further argued that the amount received was refundable with the interest of 5%, hence, the nature of complainant is civil nor criminal. He further submits that the charge-sheet has already been filed, the applicant is in custody since 28/10/2017, therefore, applicant- Narendra may be released on bail.
6. Mr. Basant Kaiwartya, counsel appearing on behalf of the applicant-

Suraj Prasad Sharma submits that the applicant has been falsely implicated in the present case. He further submits that the charge-sheet has already been filed and the trial will likely to take much more time to conclude, therefore, applicant- Suraj Prasad Sharma may be released on bail.

7. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
8. I have heard learned counsel for both the parties.
9. A bare perusal of the affidavit of accused/applicant- Suraj Prasad Sharma, annexed with the case diary, shows that the amount was received by him and applicant- Narendra Kumar is the only witness of such transaction, therefore, looking to the facts and circumstances and the evidence available in the case, I am inclined to release the applicant- Narendra Kumar on bail.
10. Accordingly, MCRC No. 1608/2018 is allowed. It is directed that applicant- Narendra Kumar shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date as is given to him by the said Court in this regard.
11. So far as the case of Suraj Prasad Sharma is concerned, there is sufficient evidence against him. He is the main accused. The affidavit also shows that he himself had obtained the amount from the complainant. Moreover, the forged appointment letter was also given by him to the complainant.
12. Looking to these facts in relation to the case of applicant- Suraj Prasad

Sharma, I am not inclined to release him on bail.

13. Accordingly, MCRC No. 2111/2018 is rejected.

Sd/-

Judge
Arvind Singh Chandel

Rahul