

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.1584 of 2018

Govinda Rao S/o Paparao, aged about 24 years, R/o Mahendra Karma Ward, Vrindavan Colony, Behind Kalibadi School, Jagdalpur, District Bastar (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through – The Police Station Bodhghat, District Bastar (C.G.).

---Respondent

For applicant : Shri P.K.Tulsyan, Advocate.
For resp./State : Shri Shashank Thakur, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/04/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.192/2017 registered at Police Station Bodhghat, District Bastar (C.G.) for the offence punishable under Sections 420, 467, 468 & 380 of IPC.
2. Present applicant is in jail since 11/09/2017.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant is said to have deceived the complainant - Chandrika Netam and have siphoned an amount of Rs.25,00,000/- from her account maintained at the Indus Ind Bank, Branch Jagdalpur (C.G.).
4. The counsel for the applicant submits that it is a case where the present applicant was initially engaged as a caretaker in the house of the

complainant during the lifetime of the husband of the complainant. That subsequently, the husband of the complainant died on 06/11/2015 and thereafter it was the present applicant who was taking care of the needs of the complainant and her family. He further submits that, during the intervening period, it is alleged that the complainant and the present applicant have developed an intimate relationship and which continued for a couple of years. Subsequently, when the applicant got married on 07/05/2017, the complainant getting annoyed with the marriage of the applicant and is said to have falsely implicated him by lodging a complaint in 26/05/2017. He submits that, it is hard to believe that only on 06/05/2017 i.e. the previous day of the marriage of the applicant, she has got the information of the amount lying in her bank account having been siphoned by the present applicant and thereafter she has lodged the report. On these facts, the counsel for the applicant submits that it is apparently a false case in which the applicant has been implicated. That he has already remained in custody for a period of about 7 months and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that it is a case where the present applicant by putting the signature of the complainant on the cheques as well as on the other documents have siphoned an amount of Rs.25,00,000/- which was lying in the bank account of complainant. He submits that, considering the totality of the facts and the gravity of offence, the present applicant did not deserve bail at this juncture and thus prayed for rejection of bail application.

6. Having heard the contention put forth on either side and on perusal of record what reflects is that there is no hand-writing expert's opinion to reach to the conclusion that the signature put on the cheques issued for withdrawal of amount from the account of complainant were that of the present applicant.

7. Moreover, as per the prosecution case itself, the transfer made from the account of the complainant is to various other persons for different reasons and for which also no plausible explanation has been given by the prosecution as to how the present applicant would be involved for such transfer of amount being made to some other persons.

8. Given the aforesaid facts and circumstances of the case, particularly taking note of the time at which the complaint has been lodged i.e. the time of the marriage of the present applicant, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

9. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing 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. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sd/-
(P. Sam Koshy)
JUDGE

Sumit