

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1715 of 2018

- Shailendra Kumar Kashyap S/o Murarilal Kashyap, Aged About 27 Years, R/o- P.S.- Kukda, Shivrinarayan, District- Janjgir-Champa, Chhattisgarh. Presently Residing At Tatyapara, Azad Chowk, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Telibandha, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRC No. 1910 of 2018

- Denial Taandi @ Daanesh S/o Raabin Tandi, Aged About 39 Years, R/o- Village Jagdishpur, Thana Basna, District- Mahasamund, Chhattisgarh, Present Address- Motinagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Telibandha, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Pawan Kesharwani, Advocate (in MCRC No.1715/2018),
Shri Vikash Pandey, Advocate (in MCRC No.1910/2018).

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-04-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.250/2017, registered at Police Station Telibandha, District- Raipur, C.G., for the offence under Section 420, 467, 468, 471 read with Section 34 of the IPC, they are being decided by this common order.

2. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail applications before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 20-06-2017 in connection with aforesaid crime number and offences.

3. It is submitted on behalf of the applicants in both the applications that

the applicants have been falsely implicated in this case. No case is made out against them. They are in jail since 20-06-2017. Further development that has taken place is that a compromise is arrived at between the applicants and the complainant and on that basis a compromise application was also filed by the applicants, but the same was not allowed by the trial Court, even after this fact that compromise is in existence and further the complainant has not supported the case of the prosecution, hence, for these reasons, it is prayed that the applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications.

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

6. According to the prosecution case, the applicants in both the applications induced complainant Savita Sahu that they are capable of arranging for appointment of siblings of the complainant to the government jobs and on their inducement, the complainant paid them Rs.2,30,000/- as gratification amount. As no job could be arranged by the applicants and neither any refund was made, the FIR was lodged. Hence, this case.

7. Perused the case diary and also perused the certified copy of the statement given by the complainant which is filed along with the application which shows that she has been declared hostile by the prosecutor for not supporting the prosecution case. The fact of compromise is also recorded in the certified copy of the order sheet of the trial Court rejecting the bail applications of these applicants. Hence, there appears to be some change in circumstance and because of which, in view of this Court, both these applications for grant of regular bail deserve to be allowed.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them

furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil