

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 1916 of 2018**

Dheeraj Awasthi S/o Satya Narayan Awasthi, Aged about 39 years, R/o V.I.P. Estate A.T. Classic B-1, Qtr. No.303, Khamhardih, Police Station – Mova, District Raipur (C.G.)

**---- Applicant****Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station – Kotwali, Sub Station - Rampur, District Korba (C.G.) **---- Non-applicant**

---

|                         |   |                                     |
|-------------------------|---|-------------------------------------|
| For Applicant           | : | Mr. Dharmesh Shrivastava, Advocate. |
| For Non-applicant/State | : | Mr. Gary Mukhopadhyaya, G.A.        |

---

**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****02/04/18**

1. This is the Fourth 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.546/2015 registered at Police Station Kotwali Korba, Out Post Rampur, District Korba (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B and 201 of the Indian Penal Code.
2. The first bail application was rejected by this Court on merits vide order 17-03-2016. Thereafter, 2<sup>nd</sup> bail application has been filed which was also dismissed on 08-09-2016 and subsequently, 3<sup>rd</sup> bail application filed by the applicant was also dismissed on 07-07-2017.
3. Case of the prosecution in brief is that a report has been lodged by the

complainant against the applicant along with other co-accused persons namely, Vinod Khande, Dr. Mohan Kumar Koshle cheating the complainant by taking money for providing government service and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence, he has been falsely implicated in the crime in question and he is in jail since 13-12-2015. Co-accused persons namely, Prakash Kumar Anant, Dr. Mohan Kumar Koshle, Kapildev Vare were granted bail by this Court on 23/08/2017, 06-12-2017 and 25-01-2017 passed in M.Cr.C. Nos.1128/2017, 6505/2017 and 271/2018, therefore, the applicant may also be granted regular bail on the ground of parity.

4. On the other hand, learned counsel for the State opposed the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of the offence and the applicant is in custody since more than 2 years. The offence is triable by magistrate, the trial is likely to take some time and on the ground of parity, this Court is of the opinion that present is a fit case in which the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that the 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.

Sd/-  
**(Sanjay K. Agrawal)**  
Judge

Kvr