

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2561 of 2018**

Horilal Pankaj, S/o. Shri Lalitram Pankaj, Aged about 27 years, R/o. Village Tusma, Police Station Shivrinarayan, Tahsil Nawagarh, Civil & Revenue District Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through Officer in Charge Police Station Kanker, District Kanker, Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Ramesh Kumar Nayak, Advocate
For State	:	Mr. Aushutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/06/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 451/2017 registered at Police Station Kanker, District Kanker, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471, 34 of Indian Penal Code.
2. The present applicant is in jail since 29.12.2017 in connection with the aforesaid Crime number.
3. The case of prosecution against the present applicant is that the present applicant in connivance with the other accused persons is said to have extorted huge amount of money from the complainant J.K. Mandavi on the pretext of providing government employment. However, they did not provide the government employment neither did they return the money back to the complainant, when an F.I.R. was lodged and the present applicant has been arrested.

4. The counsel for the applicant submits that the complainant in the instant case J.K. Mandavi has since been examined before the Court below as PW/1 and he has not supported the case of the prosecution in its entirety, and has also turned hostile and therefore the possibility of a conviction in the said case is very remote and he has already remained in custody for a period of about 6 months, therefore he may be released on bail.
5. The State counsel however opposes the bail application and submits that it is a case where there are evidence against the present applicant of having received money from the villagers on the garb of providing government employment and even in the trial Court it is not a case where there is no evidence against the present applicant, there appears to be some materials collected during the course of the evidence of the complainant and therefore the bail application may be rejected.
6. Having heard the contentions put forth on either side and on perusal of record, particularly taking note of the fact that the main complainant J.K. Mandavi having turned hostile and has not supported the case of the prosecution in its entirety and also taking note of the period of custody undergone by 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 applicant. Accordingly, the present application for grant of bail is allowed.
7. 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 Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge