

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7762 of 2017

- Triveni Pathak S/o S/o Late Vijay Kumar Pathak, Aged About 40 Years
R/o Mavaiya, Police Station Kotwali Rural District Mirjapur U. P., Uttar
Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Kotwali, Korba District Korba Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant : Mr. Rahul Mishra, Advocate.
For Respondent : Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/01/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.537/2017, registered at Police Station– Kotwali, Korba, District– Korba(C.G.) for the offence punishable under Sections 420, 34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 19.8.2017. After completion of investigation, charge-sheet has been filed. The trial is likely to take some more time for its disposal. Co-accused persons have already been granted bail by the coordinate Bench of this Court. Applicant has a good case. Hence, it is prayed that he may be granted regular bail.

3. Learned State counsel opposes the bail application on the ground that applicant is a resident of Mirjapur (U.P.) and if he is released on bail, he will not turn-up for trial of the case. Hence, it is prayed that the application be rejected.
4. Heard both the parties and perused the case diary.
5. One FIR was lodged by Shri Ankush, Manager of Manappuram Gold Loan, Korba alleging in it that accused Rakesh Dhamecha and another had deposited impure gold ornaments for obtaining gold loan. Later on, when the purity of said ornaments was checked, it was found that fraud and cheating has been committed.
6. Considered the submissions made and contents of the case diary. Taking into consideration the fact that in similar cases the accused persons have been benefited with grant of regular bail by the coordinate Bench of this Court, this case cannot be singled out as a different case. Hence, keeping in view the aforesaid fact, I am of this opinion that present application also deserves to be allowed.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing 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, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge