

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3461 of 2018**

Mahesh Sahu S/o Late Sewak Sahu Aged About 38 Years Occupation- Labour, R/o- Village- Parsatti, Post Officer- Belar, Police Station- Fingeshwar, District- Gariyaband, Chhattisgarh. Present R/o- Pahadi Chowk, Post Office- Raipur, Police Station- Gudhiyari, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station- Nagri, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh.

---- Respondent

For the Applicant : Shri Shivendu Pandya, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.07.2018**

Heard.

1. This is the first 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.88 of 2017, registered at Police Station – Nagri, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 420, 467 and 471/ 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 30.11.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The case is triable by the Judicial Magistrate First Class and similarly placed co-accused persons – Fuleshwar Yadav and

Bhavesh Kumar Verma have been granted regular bail by this Court in M.Cr.C. No. 538 of 2018 vide order dated 26.3.2018. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsels for the State oppose the bail application and the submissions made in this respect. It is submitted that the applicant is one of the beneficiaries of the fraud and cheating committed. Hence, the applicant is not entitled for bail.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case against the applicant, a forged cheque of value Rs.9,50,000/- was encashed from the State Bank of India, Branch Nagri by co-accused – Fuleshwar Yadav, which was purportedly issued by the Rogi Kalyan Samiti, Rana Ghat, Nadiya (W.B.). As no such cheque was issued by the said Samiti, the FIR was lodged by the Branch Manager, SBI, Nagri and it is alleged that the applicant was also received some cash. Hence, this case.

6. Considering the submissions and the contents of the case-diary, taking into consideration the fact that similarly placed co-accused persons – Fuleshwar Yadav and Bhavesh Kumar Verma have been granted regular bail by this Court, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on 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/-

(Rajendra Chandra Singh Samant)
Judge