

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4060 of 2018**

Komal Borkar S/o Kirtan Lal Borkar Aged About 29 Years R/o Village-
Pangari, Thana- Ambagarh Chauki, District- Rajnandgaon,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station- Dongargaon, District-
Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Anil Gulati, Advocate
For the State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**09/10/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.304/2018 registered at Police Station Dongargaon, District Rajnandgaon (C.G.) for the offence punishable under Section 420 of IPC.
3. Case of the prosecution, in brief is that applicant had taken Rs. 3 Lakhs from the complainant Heera Lal Sahu to provide the job of his son Ghanshyam Kumar as T.T.E., thereafter no job was provided to son of the complainant, when he demanded money then applicant did not return back the said amount.
4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail

application. He further submits that one case under Section 420/34 of IPC is already registered against the applicant.

6. Looking to the fact and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if the applicant furnishes two solvent sureties for a sum of 25,000/- each along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any of the crime in future, he be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge