

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4200 of 2018**

Kishore Kumar Gajendra S/o Radheshayam Gajendra, Aged About
45 Years, R/o- Subhpalli, Thana and Tahsil Pakhanjore, District-
Uttar Bastar, Kanker, Chhattisgarh

---- Applicant**Versus**

The State of Chhattisgarh through- District Magistrate, District-
Uttar Baster Kanker, Chhattisgarh

---- Respondent

For Applicant	:	Shri Parag Kotecha, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05/07/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 12.05.2018 in connection with Crime No. 59/2017 registered at Police Station- Bande, District U.B. Kanker (CG) for the offence punishable under Section 420, 34 of IPC.

2. The allegation against the present applicant as per the prosecution is that he is said to have defrauded complainant Deenaram Netam on the pretext of digging a pond in his field but later on, he has not fulfilled the commitment made and in between, is said to have collected rupees five lakhs from the complainant.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case in as much as there is no agreement whatsoever entered between the applicant and the complainant. He submits that in fact, the main accused in the instant case is Sanatan

Dutta who has already been released on bail by the J.M.F.C., Pakhanjore. He further submits that the role played by the applicant is that of agreeing to dig a pond in the field of the complainant at the behest of the main accused Sanatan Dutta. However, since there was a dispute regarding the rate of digging, the digging of the pond could not be done and the entire amount which was received from Sanatan Dutta by the applicant has been returned back to Sanatan Dutta. Thus, the present applicant is not in any manner involved in the offence under Section 420 of IPC.

4. State counsel, however, opposing the bail application submits that the applicant is equally responsible for digging of the pond and ultimately the complainant has been defrauded of an amount of Rs.5,00,000/- both by the applicant and the main accused Satanand Dutta.

5. Given the aforesaid facts and circumstances of the case, particularly taking into consideration the role alleged against the applicant and also taking note of the fact that the applicant had not entered into any agreement with the complainant, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE