

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4235 of 2018**

Manoj Kumar S/o Devendra Das, Aged About 30 Years, Presently working as Accountant at Dena Bank Branch Gundardehi, Post Gundardehi, District Balod Chhattisgarh, R/o New Adarsh Nagar Durg, P. S Padmnabhpur, District Durg, Chhattisgarh

---- Applicant**Versus**

The State of Chhattisgarh through- the Police Station Bande,
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 18.05.2018 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 played role in defrauding complainant Deenaram Netam by co-accused persons on the pretext of digging a pond in his field.

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 submits that the applicant is an accountant of the bank and he has discharged only his duty. It appears that there was a dispute regarding the rate of digging and therefore, the digging of pond could not be done. 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