

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4364 of 2018

- Dheeraj Namdev S/o Harishankar Namdev Aged About 32 Years R/o- Housing Board Colony, Raigarh, Tehsil And District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through- Station Police Station Chakradhar Nagar, Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Manoj Paranjpe, Advocate.
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/07/2018

1. This is second bail application of the applicant. First bail application of this applicant has been dismissed as withdrawn without considering on merits.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.304/2015 registered at Police Station- Chakradhar Nagar, District – Raigarh(C.G.) for the offence punishable under Sections 420, 468, 470, 471 & 120B/34 of the Indian Penal Code.
3. Learned counsel for the applicant submits that applicant is innocent

and has been falsely implicated in this case. He is not the beneficiary of any kind of amount as alleged by the witnesses in this case. Applicant is in jail for the last about more than 4 months. The trial has commenced and till date only one witness has been examined. Other accused are still absconding because of which the trial is getting delayed. Hence, it is prayed that applicant may be released on regular bail.

4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant, who was the Director of a job consultancy concern, is the main accused in this case. It was he on whose inducement the complainant and others have given the amount as asked by co-accused persons namely-Pooja Yadav, Chetali Mukherjee & Neeraj Sao. Hence, he cannot deny that he did not derive any benefit from these illegal transactions. Hence, the application of the applicant for grant of regular bail is liable to be rejected.
5. I have heard both the parties and perused the case diary.
6. According to prosecution case, the applicant in his capacity as Director of AEON Job Consultancy had advised the complainant and others to make payment to co-accused persons for obtaining jobs in Odisha Mining Corporation and due to such inducement, the complainant and others have made payment accordingly but no job was provided to them. Hence, the FIR was lodged.
7. Considering on the material present in the case diary, the fact that applicant is local resident of District Raigarh and that the trial against him is getting delayed, I am of this view that this is a fit case where the applicant should be benefited with grant of regular bail.

8. 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

Nisha