

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4547 of 2018

- Manharan Sahu S/o Shri Uday Ram Sahu, Aged About 45 Years, R/o- Village Bhainsatara, Gariyaband, Rajim, P.S. & Tahsil- Rajim, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S. Rajim, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

----Non-applicant

For Applicant – Shri Syed Imtiaz Ali, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 09-03-2018 in connection with Crime No.177/2018 registered at P.S. - Rajim, District- Gariyaband, Chhattisgarh for the offence under Section 420/34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 09-03-2018. No case is made out against him. The main accused in this case is Pushkar Sahu who has induced and cheated the complainants. This applicant has only helped the complainant and others in filling up the forms to apply for the job, he has not received any amount as illegal gratification from any of the aggrieved persons. Hence, it is prayed that this applicant may be released on regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is evidence present in the case diary to show that this applicant was a party to the offence of cheating along with main accused Pushkar Sahu, hence, he is not entitled for grant of bail.

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

5. As per the prosecution case, complainant Uttam Sahu along with 12 others filed a written complaint to the police alleging in it that this applicant had introduced them to main accused Pushkar Sahu stating that the co-accused is capable of getting them appointed to Government jobs and on the basis of this inducement given all of them paid a huge amount of 19,20,000/- as illegal gratification to the main accused Pushkar Sahu. As none of the aggrieved persons could get appointment to any job, they started demanding for refund, which was never made by the accused persons. Hence, the FIR was lodged.

6. Considered on the material present the case diary and perused the diary statements of the witnesses. Clear allegation of receiving money is only against the main accused Pushkar Sahu, hence, for these reasons, I am of this opinion that this applicant should be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge