

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5314 of 2018**

Amit Soni S/o Late Shri Shankar Prasad Soni Aged About 39 Years
Occupation Reporter, R/o Sanchar Nagar, Krishi Upaj Mandi Jabalpur, P. S.
Mardhotaal, Tehsil And District Jabalpur Madhya Pradesh, District :
Jabalpur, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Telibandha District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Kashif Shakeel, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.08.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.195 of 2018, registered at Police Station – Telibandha, District Raipur, Chhattisgarh for the offence punishable under Sections 420, 419, 120B, 467, 471, 472 and 474/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 1.4.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant is not benefited from the offence

that has been committed by the co-accused persons. According to the material present in the case-diary, neither he himself has given any inducement nor presented himself as any other person. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that it was a conspiracy in which the applicant has played a part and which has facilitated the commission of offence by the other persons. Hence, for these reasons, he is not entitled for grant of bail.

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

5. The case against the applicant is that the applicant was presented as Chief Conservator of Forest (CCF) by the co-accused persons to complainant – Rajeev Sharma. An inducement was given to the complainant by the co-accused persons that they will facilitate in getting the contract for the supply of plant saplings and on that basis, in total, more than Rs.14,00,000/- was received by main accused – Rajendra Sen from the complainant. When the complainant came to know of the fraud committed, he has lodged FIR against the applicant and co-accused persons. Hence, this case.

6. Although there is allegation that the applicant has impersonated as some person, but according to the material present in the case-diary it appears that he has not received any benefits of the commission of this offence. Hence, for these reasons, I am of the considered opinion that the

applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on 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 as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge