

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5420 of 2018**

1. Rahul Khatik S/o Balram Khatik , R/o- Bazarpara, Police Chouki-Koriya Coalierly, P.S.- Chirmiri, Tahsil- Baikunthpur, District- Koriya, CG
2. Balram Khatik S/o Rajshri Khatik Aged About 47 Years R/o- Bazarpara, Police Chouki- Koriya Coalierly, P.S.- Chirmiri, Tahsil- Baikunthpur, District- Koriya, CG

---- Applicants**Versus**

State of Chhattisgarh Through- Police Station Chirmiri, District- Koriya, CG

---- Respondent

For applicants	Mr. Jai Prakash Shukla, Adv.
For Respondent/State	Mr. Sangarsh Pandey, Dy. Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****18-9-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
2. The applicants have been arrested in connection with Crime No. 148/2018 registered in police station Chirmiri, Distt. Koriya (CG) for offences punishable under Sections 384, 420, 120(b), 506 of the IPC and Section 4 of the Karja Act.
3. Prosecution story in brief is that complainant Heeralal is R/o Koriya Colliery, Chirmiri. He took a loan of Rs. 80,000/- from applicant No. 2 Balram Khateek. Applicant No. 1 Rahu Khateek is son of applicant No. 2 Balram Khateek. To recover the loan amount, the applicants and other co-accused persons obtained blank cheques from the complainant and withdrawn Rs. 17 lacs through the said cheques.
4. Counsel for the applicants argued that the applicants are innocent and falsely implicated hence they be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application and submitted that against the applicant No. 1 Rahul Khateek one more criminal case is pending and against applicant No. 2 Balram Khateek, four more criminal cases are pending. He further submitted that the applicants and other co-accused are still threatening and pressurizing the complainant to

withdraw the case.

6. Looking to the above facts and circumstances of the case, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the **applicant No. 1 Rahul Khateek**. Consequently, the application of applicant No. 1 Rahul Khateel is allowed. It is ordered that if **applicant Rahul Khateek** furnishes two solvent sureties of Rs. 50,000/- each along with one personal bond of the 1,00,000/- to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial and will not involve himself in any crime in future, he be released on bail.
7. So far as applicant No. 2 Balram Khateek is concerned, looking to the facts and circumstances of the case, looking to the fact that four other criminal cases have already been registered against him, this Court is not inclined to grant bail to the applicant No. 2 Balram Khateek. Consequently, bail application of **applicant No. 2 Balram Khateek** is rejected.
8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge