

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5441 of 2018

1. Rupendra Kumar And Anr. S/o Late Vijay Janbandhu Aged About 28 Years R/o- Village Khaprikala, Post Bankal, Tahsil- Dongargaon, Police Station Lalbag, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
2. Khileshwar Kumar S/o Late Vijay Janbandhu Aged About 25 Years R/o- Village Khaprikala, Post Bankal, Tahsil- Dongargaon, Police Station Lalbag, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Lalbag, Outpost Tumdibod, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicants : Mr. Aditya Bhardwaj, Advocate.

For Respondent/State : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on board

08/08/2018

1. At the outset, counsel for the applicant No.1 Rupendra Kumar seeks permission of this Court to withdraw this application filed under Section 439 of CrPC.
2. It is ordered as prayed for.
3. Accordingly, the bail application filed by applicant No.1 under Section

439 of Cr.P.C are dismissed as withdrawn.

4. This is the first bail application of applicant No.2 Khileshwar filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.199/2018, registered at Police Station– Lalbag,Outpost-Tumdibod District– Rajnandgaon(C.G.) for the offence punishable under Sections 420/34 of the Indian Penal Code.
5. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 28.6.2018. No case is made out against this applicant. Hence, it is prayed that they may be released on regular bail.
6. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that according to case this applicant is also equally responsible for commission of offence, hence, no case is made out for grant of bail.
7. Heard both the parties and perused the case diary.
8. Complainant Santosh Das has lodged FIR against this applicant and the other co-accused persons that they have jointly obtained Rs.2,30,000/- by inducement that they can arrange for the appointment to the job in Electricity Department but no job was provided to the complainant and neither the refund was made, hence, he has lodged FIR against them. Hence, this case.
9. Considered on the entire material present in the case diary, on perusing the agreement between complainant and co-accused Rupendra Kumar, it appears that this applicant has played lesser role in this case, for this reason, I am of this view that it is a fit case where the applicant should be enlarged on regular bail.

10. Accordingly, all the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that both the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

(Rajendra Chandra Singh Samant)

Judge

Nisha