

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5917 of 2018

- Rajeev Deewan (Correct Name Is Rajeeb Deewanji) S/o M.B. Deewan Aged About 50 Years R/o- 28/09 Nehru Nagar, Bhilai Nagar, Tahsil And District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Pulgaon, District- Durg, Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Rakesh Thakur, Advocate.

For Non-applicant : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

06.09.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No.105/2018 registered at Police Station – Pulgaon, District – Durg (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 408 of the Indian Penal Code.
3. Case of the prosecution, in brief is that applicant was office assistant in student section of Shankaracharya College, Junwani. He had obtained the fees from different students. The total amount is Rs. 5,75,825/-. He had given forged receipts to the concerned students. He

has not deposited the fees amount to the college and thus committed cheating and fraud.

4. The offence is triable by Judicial Magistrate First Class.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.50,000/- each along with a personal bond of Rs. 1,00,000/- to the satisfaction of the concerned Trial Court with the condition that he shall not involve in any crime in future, he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE