

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7789 of 2017**

Kamal Sonwani S/o Gandhi Ram, Aged About 30 Years R/o Dhourabhatha, P. S. Hirri, Tahsil Takhatpur, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant : Shri S.K. Guha, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.02.2018**

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.650 of 2017, registered at Police Station Civil Lines, Bilaspur, District – Bilaspur, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 27.8.2017 and he has been falsely implicated in this case. The applicant is a local resident of District Bilaspur and no case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Apart from that, a compromise has also been entered between the complainant and the applicant. 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 no papers regarding the compromise between the applicant and complainant are submitted. Hence, the applicant is not entitled for grant of bail.

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

5. The case is that complainant – Nakul Baghel gave a written complaint in P.S. Civil Lines, Bilaspur alleging that the applicant on the pretext that he will provide appointment as Constable in Chhattisgarh Police for the brother of the complainant, demanded Rs.1,20,000/-. The complainant paid the amount in the year 2013, but later on when he came to know that his brother was not selected then the FIR was lodged on 26.8.2017.

6. Considering on the entire material present in the case-diary and the other submissions made by counsel for the applicant, I am of the opinion that the present is a fit case where the applicant is entitled to be released on regular bail.

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

8. It is directed that the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge