

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 8187 of 2018**

Pushkar Lal Sahu S/o Shri Punit Ram Sahu, Aged About 28 Years R/o
Nipani, Post Niwani, P. S. Tehsil And District Balod Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Balod, District Balod
Chhattisgarh

---- Respondent

For Applicant	:	Shri Prasoon Agrawal, Advocate
For Respondent/State	:	Shri Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13/11/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 07.04.2018 in connection with Crime No. 100/18 registered at Police Station - Balod, District Balod (CG) for the offence punishable under Sections 420 r/w 34 of IPC.

2. The allegation against the present application as per the prosecution is that the applicant in connivance with other accused persons is said to have lured the complainant for providing employment with the State Electricity Board and collected an amount of Rs. 1,50,000/- from the complainant. Later on, when the employment could not be provided, the FIR has been lodged.

3. Contention of the counsel for the applicant is that the present applicant has already remained in custody for a period of more than 6 months and

considering the period of custody undergone he may be released on bail. He submits that there is a huge delay in lodging of the FIR which itself creates a great element of doubt on the prosecution story. It was contended that the applicant has also been falsely implicated in similar charges and in all of which the applicant has already been released on bail. For all these reasons counsel for the applicant insisted for grant of bail to the applicant.

4. State counsel, referring to 4 other criminal cases which have been lodged against the applicant opposes the bail application and submits that the applicant is a habitual offender. Thus he does not deserve to be released on bail.

5. Perusal of the record would show that the stand of the State counsel was the same while considering the bail application of the applicant in MCRC No. 6539 of 2018 where this Court on 10.10.2018 had granted bail considering the period of custody undergone and also taking note of the delay in lodging of the FIR.

6. Given the aforesaid facts and circumstances of the case, this Court is also inclined to take the same stand and is thus of the opinion that the applicant has made out a strong case for grant of bail.

7. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his 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 before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**