

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1474 of 2018

- Sarabeer Dalai S/o Madan Mohan Dalai Aged About 41 Years R/o Jhamtiya, Howara West Bengal, District : Howrah, West Bengal

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

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MCRC No. 8544 of 2018

- Krishna Samanta S/o Bate Krishna Samanta Aged About 39 Years R/o Majhepara, Ghorberiya Joypur Chitnan, Howar West Bengal, District : Howrah, West Bengal

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Raigarh District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Sanjay Agrawal, Advocate.
For Respondent/State	:	Mr. Avinash K. Mishra, Panel Lawyer.
For Objector	:	Ms.Meena Shastri, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

10/12/2018

1. Since the above bail applications are similar in nature and arise out of the same chain of incidents, they are being heard and decided together by this common order.
2. Applicant Sarabeer Dalai has filed M.Cr.C(A) No.1474/2018 seeking anticipatory bail as he apprehends his arrest in connection with Crime No.1021/2018 registered at Police Station-City Kotwali, District-Raigarh for the offence punishable under Sections 420/34 Indian Penal Code (for short 'IPC').
3. Applicant Krishna Samanta has filed M.Cr.C. No.8544/2018 seeking regular bail as he has been arrested in connection with Crime No. 1021/2018 registered at PS-City Kotwali, District-Raigarh for the offence punishable under Sections 420/34 of the Indian Penal Code (for short 'IPC').
4. It is submitted by the learned counsel for the applicants that applicants have been falsely implicated in this case. No case is made out against them. Totally false allegation has been made against the applicants and there is no documentary evidence to show that applicants have received any money from the complainant nor is there any evidence present to show that these applicants have given any cheque to the complainant. Hence, no case is made out against these applicants.
5. Learned State counsel opposes the application and submissions made in this respect.
6. Heard both the parties and perused the case diary.
7. Written complaint was given by complainant Rajesh Pandey that applicant Krishna Samanta gave inducement to the complainant that his brother-in-law applicant Sarabeer in MCRCA No.1474 of 2018 has

political connection and he can arrange appointment of the concerned in the railways. Getting induced the complainant made payment of Rs. 6 lakhs to applicant Sarabeer through cheque and thereafter the complainant could not get any appointment. Thereafter the applicants in both the cases also made a clear refusal of getting the complainant appointed. Applicant Sarabeer had given a cheque of Rs.6 lakhs to the complainant which was dishonored by the bank, thereafter, the FIR has been lodged in this case.

8. Considered on the entire material present in the case diary. Some copies of receipts have been produced by applicant Krishna Samanta to show that some repayment was made to the complainant which implies admission about taking money. As applicant Krishna Samanta is already in jail after his arrest on 17.9.2018 and there does not appear any requirement of his further detention, therefore, application of Krishna Samant bearing MCRC No.8544 of 2018 deserves to be allowed.
9. So far as applicant Sarabeer Dalai in MCRCA No.1474 of 2018 is concerned, looking to the allegation against him that he was the person who received the money from the complainant for getting appointment for job in railways, it appears that there may be requirement of his custodial interrogation. Hence, I do not feel inclined to grant anticipatory bail to this applicant.
10. Accordingly, bail application filed on behalf of applicant Krishna Samanta bearing M.Cr.C. Nos.8544/2018 is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

11. M.Cr.C.(A) No.1474/2018 filed on behalf of applicant Sarabeer Dalai under Section 438 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha