

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8495 of 2018**

Deepak Kumar Mali S/o Late Ram Kishan Mali Aged About 47 Years R/o Behind Old Police Line, Raigarh, Tahsil And District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ashish Gupta, Advocate.
For the Respondent/State : Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.11.2018**

Heard.

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.296 of 2018, registered at Police Station – City Kotwali, Raigarh, District – Raigarh, Chhattisgarh for the offence punishable under Sections 420, 467, 468 and 471/ 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 20.6.2018 and has been falsely implicated in this case. Similarly placed co-accused persons have been granted bail by this Court in M.Cr.C. No. 5079 of 2018, vide order dated 28.9.2018. There is no evidence present on record against the applicant except the statement of the co-accused on memorandum, which is not legally admissible. 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 the applicant is the one who has been benefited with the amount received in the fraud committed. Hence, the applicant is not entitled for grant of regular bail.

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

5. The case against the applicant and the co-accused persons is that co-accused - Sadharam Baghel made use of revenue papers of complainant – Hetram Baghel to obtain a loan from the Bank of Maharashtra in a fraudulent manner with the help of co-accused – Bajrang Chauhan who impersonated as Hetram Baghel in the said loan. According to the memorandum statement given by the co-accused persons, the amount so withdrawn as loan was distributed among these persons and this applicant is one of those who has received the share. Hence, this case.

6. Considered the material present in the case-diary. As there is no evidence except the statement of the memorandum given by the co-accused persons against the applicant and the confessional statement of the applicant himself before the police personnel, hence, I feel inclined to grant regular bail to the applicant in this case.

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

8. It is directed that applicant shall 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 as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge