

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.9138 of 2018**

Aarjun Hemla, S/o late Shri Dularam Hemla, aged about 23 years, R/o Village (Chilnar), Pamlwala, P.S. Bijapur, District Bijapur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through District Magistrate, Dantewada, District Dantewada (CG). **---- Non-applicant**

For Applicant : Ms. Madhunisha Singh, Advocate.
For Non-applicant : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****07.12.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.116/2017 registered in Police Station Bijapur, District Bijapur for the offence punishable under Section 420 of Indian Penal Code.
3. Prosecution story in brief is that 1 ½ months prior to 05.10.2018, the applicant had taken a sum of Rs.1,00,000/- from complainant Suraj Pondi for providing job as constable in C.A.F. and, thereafter, he did not provide the job to the said complainant.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail to the applicant. He further submitted that two criminal cases under IPC has already been registered against the applicant in police case diary.
6. 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; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant. Accordingly, the bail application is allowed.
7. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the like sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he shall not commit any such type of offence in future.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-