

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1355 of 2019

- Hirendra Tiwari S/o Shri Ritadhwaj Tiwari Aged About 47 Years R/o Quarter No. 271, Janta Colony, Gudhiyari Raipur District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, Durg District Durg Chhattisgarh

---- Respondent

For Applicant	: Mr. Tarendra Kumar Jha, Advocate.
For Respondent/State	: Mr. KK Dewangan, Dy. GA.
For Objector	: Mr. BP Singh, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

20/03/2019

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 523/2018, registered at Police Station – Bhilai Nagar, District- Durg (C.G.) for the offence punishable under Section 420 of the IPC.
2. First bail was dismissed as withdrawn with liberty to file a fresh after filing of the charge-sheet vide order dated 16.01.2019 passed in MCRC No. 9976/2018.
3. As per prosecution story, the applicant is the nephew of complainant namely Shatrughan Prasad, the applicant is working in Railway Department. Allegation against the applicant is that he has taken Rs. 35,00,000/- for the sake of grant of employment to the son complainant in Railway Department but, neither he provided him any job nor he returned the money. On the basis of said, offence has been

registered and the applicant has been taken in custody on 06.12.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that from the evidence collected by the prosecution *prima facie* there is no case under Section 420 of the IPC can be made out against the applicant. The applicant is a government servant and if bail may be granted to him, there is no chance of absconding, he is in custody since 06.12.2018, charge sheet has been filed and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State and objector opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicant is in custody since 06.12.2018, charge sheet has already been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge