

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2446 of 2019

Rupendra Kumar, S/o. Late Vijay Janbandhu, Aged About 28 Years, R/o. Village Khaprikala, Post Bankal, Tahsil Deongargaon, Police Station Lalbag, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Lalbag, Outpost - Tumdibod, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant : Mr. S.S. Baghel, Advocate

For State/respondent : Mr. Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/04/2019

1. This is the third 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.199/2018, registered at Police Station – Lalbag, Out Post - Tumdibod, District – Rajnandgaon (C.G.), for the offence punishable under Section 420/34 of the Indian Penal Code. The first bail application was dismissed as withdrawn vide order dated 08.08.2018 in M.Cr.C. No.5441/2018 and the second bail application was dismissed for want of prosecution vide order dated 04.02.2019 in M.Cr.C. No.336/2019.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant for commission of offence as alleged against him. The investigation has been completed and charge-sheet has been filed. The applicant is in jail since 28.06.2018 and no purpose would be served if the applicant is kept in detention. Therefore, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that ample evidence is present against this applicant regarding the commission of offence under Section 420 of the Indian Penal Code, therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution is this that this applicant and another co-accused persons gave inducement to the complainant Santosh Das that they have influences and can get him appointed in job in electricity department against which the applicant and other received illegal gratification of Rs.2,30,000/-. Hence this case.
6. Considered on the submissions made and the contents of the case diary. Considering on the entire material present in the case, now the case is before the trial Court and there is no specific requirement to keep the applicant in continuous detention, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram