

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2214 of 2019

- Ramesh Tripathi S/o Ganesh Prasad Tripathi Aged About 40 Years R/o Village Gadahara, P. S. Rampur, Naikin, District Sidhi, M. P.

---- Applicant

Versus

- State of Chhattisgarh Through The District Magistrate, Durg District Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri Varunendra Mishra & Shri Rakesh Pandey,
Advocates.
For Respondent/State : Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/05/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 116/2015, registered at Police Station – Khursipar, Durg, District – Durg, (C.G.) for the offence punishable under Sections 420 read with 34 of the IPC.
2. In this case, there are total five accused persons. On 10.04.2015, Complainant Dudhnath Mishra lodged a written complaint to the effect that present Applicant alongwith other co-accused persons namely Akash Tripathi, Vipin Tiwari, Abhay Sharma and present Applicant collected Rs. 1 crore and 16 lacs from various persons to provide them service in Army. It is also alleged that amount was handed over to Ramcharan Mishra and P.N. Singh. On the basis of the said allegations, police registered the offence against the present Applicant and other co-accused persons. Applicant has been taken into custody on 17.01.2018.
3. 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 neither any of the witnesses has stated that money was given to the present Applicant nor money was demanded by present Applicant. He also states that all other accused persons are absconding. Present Applicant is in custody since 17.01.2018 and trial is likely to take some time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution against the Applicant and further considering the fact that the Applicant is in custody since 17.01.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 1,00,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge