

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2975 of 2019**

Dhiman Adhikari S/o Late Harekrishna Adhikari Aged About 38 Years R/o H.No. 70, Near Idea Tawar, Lalpur, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Balrampur, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicant : Smt. Indira Tripathi, Advocate.
For the Respondent/State : Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.07.2019**

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.229 of 2018, registered at Police Station Balrampur, District – Balrampur, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 02.01.2019 and has been falsely implicated in this case. The applicant has not committed any crime. He was simply borrowed the money from the complainants and he could not return the money in time. 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.
4. Heard counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant has influenced the complainants by making a statement that he has connection with the Minister and by giving inducement he received Rs.7,50,000/- from the complainants for the reason that he will use his influence with the Minister to get the complainants' appointment in government jobs. Thereafter, neither the complainants were appointed nor the money was refunded to them.
6. The statement has been made by counsel for the applicant that the applicant is ready to make refund of the amount of loss of the complainants therefore, opportunity may be given to him.
7. After due consideration, I am of this opinion that a temporary bail should be granted to the applicant which will be an opportunity to him to make refund to the complainants to their satisfaction.
8. Consequently, the application is allowed on temporary basis for a period of six months.
9. It is directed that the applicant shall be released on temporary bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court. He shall surrender before the concerned Court after six months from the date he is released on bail.

10. In case the applicant makes refund to the complainants regarding the amount received by him from the complainants, he can move an application with a prayer to make the bail order absolute.

11. Accordingly, the main application is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge