

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3673 of 2019

Chandra Shekhar Mahant, S/o. Shree Das Mahant, Aged About 45 Years,
R/o. Gitanajali, City Phase-2, Bahatarai Road, Police Station Sarkanda,
Bilaspur, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station
Sarkanda, Bilaspur District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Mahendra Dubey, Advocate
For Respondent/State	: Mr. Shubhash Yadav, Dy.G.A.
For Complainant	: Mr. Nimesh Jha, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

19/07/2019

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.442/2019, registered at Police Station –Sarkanda, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 420 of the Indian Penal Code.
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. The applicant is in jail since 04.05.2019. In fact the applicant had borrowed some money from the complainant and

was unable to return the same, therefore, the false FIR has been lodged in this case making false allegation. In subsequent development an agreement has been executed between the wife of this applicant and the complainant, and she has agreed to make refund to the complainant and she has made partial refund. Therefore, it is prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. Counsel appearing on behalf of the complainant submits that the complainant has no objection, if bail is granted to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. It is alleged that this applicant induced the complainant Dabhu Kashyap that he can by use of his influence get him appointed in Railways and on that basis he received Rs.4,70,000/- as illegal gratification. Hence, this case.
7. Considered on the submissions made and the contents of the case diary. As the charge-sheet has been filed in this case and the case is pending for trial and also for the reason that compromise has taken place between the parties because of which the complainant has no objection in grant of bail to the applicant, 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.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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