

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3586 of 2019

- Narendra Kashyap S/o Shri Khamhan Kashyap, Aged About 25 Years, R/o Village Ringani, Police Station Shivarinarayan, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through - District Magistrate District Baloda-Bazar- Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Shri Amiyakant Tiwari, Advocate.

For Non-applicant/State – Shri Subhash Yadav, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 09-05-2019 in connection with Crime No.152/19 registered at P.S. - Palari, District Baloda-Bazar- Bhatapara, Chhattisgarh for the offence under Section 420 r/w 34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 09-05-2019. The applicant is a person who himself has been cheated by other co-accused persons. In the alleged payment of amount in various bank accounts this applicant was not recipient of the said amount. The applicant had provided a blank cheque to co-accused Ajay Bharati which has been misused by him to make payment to the complainant and on dishonour of the cheque this false FIR has been lodged. The applicant was also provided with a forged appointment letter of Forest Department by main accused Ajay Bharati, copy of which is attached as Annexure-A/2, regarding which he has given a post dated cheque. Therefore, no offence is committed by this applicant. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that it is on the basis of inducement given by this applicant the complainant in this case was cheated, therefore, no case is made out for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the complaint filed by complainant Chameli Banjare, on the inducement given by this applicant and other co-accused persons that they can use their influence to get her son appointed in railway, she made deposit of Rs.5,98,300/- in various account numbers which were provided by this applicant. Thereafter, a forged joining letter was provided to her to the post of Clerk. On coming to know about the offence committed, she demanded her money back from this applicant and on account of which a cheque of value Rs. 3,94,000/- was provided to her which has been dishonoured by the bank and the complainant again approached this applicant for refund of her amount, then she has been abused and threatened by this applicant. Hence, this case.
6. Considered on the entire material present in the case diary. As it appears that there is no further requirement of detention of this applicant in this case and the investigation against him is on progress, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge