

HIGH COURT OF CHHATTISGARH AT BILASPUR**M.Cr.C. No. 9464 of 2018**

Shiv Thakur S/o Shri Chandan Singh Thakur, Aged About 43 Years, R/o
Village Kharora, Police Station Kharora, Tahsil Kharora, Civil And Revenue
District Raipur, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Officer In Charge, Police Station Kanker,
District Kanker, Chhattisgarh

---Respondent

For applicants	:	Shri Kripesh G. Kela, Advocate.
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/01/2019**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 451/2017 registered at Police Station Kanker, District Kanker, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471, 34 of Indian Penal Code. The applicant is in jail since 29.12.2017 in connection with the aforesaid Crime number.
2. The case of prosecution against the present applicant is that he in connivance with other accused persons is said to have extorted huge amount of money from complainant Jitendra Kumar on the pretext of providing government employment. When the applicant failed to provide employment, the complainant lodged an FIR leading to the arrest of the present applicant.

3. Counsel for the applicant submits that the complainant in the instant case J. K. Mandavi has since been examined before the Court below and he has not supported the case of the prosecution and has turned hostile. He submits that the present applicant has already remained in custody for more than one year as he is in jail since 29.12.2017 onwards and considering the period of custody and the fact that the complainant has turned hostile, the present applicant may be released on bail. He further submits that co-accused Horilal Pankaj has already been enlarged on bail by this Court on 19.06.2018 in MCRC No. 2561 of 2018.
4. State counsel, however, opposing the bail application submits that since the nature of offence is quite serious and the applicant has cheated the poor villagers of huge amount of money in the garb of providing government employment, he does not deserve to be released on bail.
5. Having heard the contentions put forth on either side and on perusal of record, particularly taking note of the fact that the main complainant J. K. Mandavi has turned hostile and has not supported the case of the prosecution in its entirety and also taking note of the period of custody undergone by the present applicant and the fact that co-accused Horilal Pankaj has already been released on bail against which the charges are also same, this Court is of the opinion that prima facie, a strong case for grant of bail to the applicant has been made out.
6. Accordingly, the present application for grant of bail is 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE

Bhola