

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3427 of 2020**

- Salim @ Madar Khan S/o Najim Khan aged about 45 years, R/o Village Dutkaiya, P.S. Rajim, District-Gariyaband, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Station House Officer, Police Station Gariyaband, District-Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Pragalbha Sharma, Adv.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01/09/2020**

1. Heard.
2. Admit.
3. The accused/applicant has moved this **second bail** application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 04/2019 registered at Police Station Gariyaband, District-Gariyaband (C.G.) for the offence punishable under Section 420 r/w 34 of the IPC.
4. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of material witnesses by this Court on 08.11.2019 in MCRC No. 5667/2019.
5. The prosecution story, in brief is that, complainant lodge a written complaint that the applicant along with other co-accused persons induced the complainant and some other persons in the name of securing Government job in the Indian railway and total Rs. 19,83,500/- was taken by the accused persons. Based on this offence has been registered against the

present applicant and other co-accused persons.

6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the other co-accused persons have already been granted in MCRC No. 2098/2020, therefore, the present applicant may also be granted benefit of bail. He also submits that the applicant is in jail since 28.04.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the other co-accused persons have already been granted bail and the applicant is in jail since 28.04.2019, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
10. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge