

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7185 of 2020

- Kamal Kumar, s/o Sudesh, aged about 37 years, Caste Satnami, R/o Bankimongra, Tahsil Katghora, District Korba, Chhattisgarh

---- Applicant (In Jail)

Versus

- State of Chhattisgarh Through the Station House Officer, Bankimongra, District Korba Chhattisgarh

---- Respondent

For Applicant	: Shri Suresh Kumar Verma, Advocate
For Respondent/State	: Shri Sidharth Dubey, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

16.12.2020

1. Applicant has preferred this application under Section 439 of the CrPC for grant of regular bail as he has been arrested in connection with Crime No.98 of 2020 registered at Police Station Bankimongra, District Korba CG for the offence punishable under Section 420 of the IPC.
2. Case of the prosecution in brief is that present applicant on the pretext of providing a job to the complainant in SECL, has obtained Rs.5,00,000/- from the complainant between 24.09.2011 to 24.11.2013. When the complainant was not provided with any job, he approached the applicant upon which he assured him that he was trying to get a job for the complainant in some other colliery area and when the complainant refused to provide job or return his money, then complaint was lodged against the present applicant upon which FIR registered on 24.07.2020.

3. Shri Suresh Kumar Verma, learned counsel for the applicant submits that the allegation levelled against the present applicant of providing the complainant a job in SECL is absolutely false and frivolous. He has not taken any money on the ground as alleged by the complainant. The applicant has been roped in false case. He further submits that there is no explanation in the FIR of lodging the complaint after such a long delay on 24.07.2020. Applicant is in jail since 24.07.2020 and he being the first offender, benefit under Section 439 of CrPC be granted to the applicant.

4. Shri Sidharth Dubey, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that the complainant has filed a written complaint mentioning specific reason for delay but the applicant was giving assurance to him that somehow he would provide the complainant a job in some other colliery area of SECL on another patta (land record). While referring to the statements recorded under Section 161 of the CrPC, he pointed out that other witnesses have also levelled allegations against the applicant, that from them also, he has obtained money for same purpose. However, he submits that there is no other criminal case registered against the present applicant as per material available in the case diary.

5. I have heard learned counsel for the parties.

6. Taking into consideration the entirety of facts and circumstances of the case, the incident to be in between 2011 to 2013 and lodging of FIR

on 24.07.2020 and the contents of written complaint, without commenting on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing a bail bond in the sum of Rs.10,000/- (Rupees ten thousand) with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE