

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7343 of 2019**

- Badshah Khan S/o. Madar Khan Aged About 23 Years R/o. Village Dutkaiya Khapari, P.S. Rajim, District Gariyaband Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Dhamdha, District Durg Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Sunil Sahu, Advocate
For Respondent-State	:-	Mr. Sameer Sharma, Dy. G.A.

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

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing his on regular bail during trial in connection with Crime No. 117/2018 registered at Police Station - Dhamdha District-Durg (C.G.) for the offence punishable under Sections 420, 384, 120-B/34 of the IPC.
- The prosecution case in brief, is that co-accused Madar Khan given the assurance to complainant to provide job in Railway and taken the amount of Rs.

20 Lakhs from the complainant thereafter co-accused and others have cheated him saying that there is Gold in his field about 80 Kg and after Puja he can remove the same so the complainant has given about Rs. 1.05 Lakhs to the Madar Khan by transfer the amount in his account. Thereafter, offence has been registered against the present applicant.

- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. The charge-sheet has been filed and the prosecution agency has not collected any direct or indirect material evidence against the applicant. He further submits that the present applicant is not a main accused and not a single amount has been deposited in the account of the present applicant. He further submits that the applicant is in jail since 11.06.2019 and he is ready to furnish adequate surety and shall abide by all the directions and conditions which may imposed by this Court, the present applicant may be released on bail.
- On the other hand State counsel strongly opposes the bail application.
- I have heard learned counsel for the parties and perused the entire material available on record.
- Considering the facts and circumstance of the case, in particular the nature of allegations against the applicant and the fact that the applicant is not a

main accused and he is in jail since 11.06.2019 and as 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.

- 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 said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge