

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8336 of 2019**

Manohar Lal Ghrilahre, S/o Tejau Ram Ghrilahre, aged about 64 years, Occupation
 – Retired Upper Collector, R/o Village – Palari, PS – Palari, District – Baluda Bajar
 (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through : The S.H.O. Police Station Surajpur, District Surajpur
 (C.G.)

----Respondent

For Applicant : Mr. Basant Dewangan, Advocate.
 For Non-applicant/State : Mr. B.L Sahu, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****06/02/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 222/2019 registered at police Station Surajpur, District Surajpur for the offence punishable under Sections 420/34 of the Indian Penal Code and Section 6 of Chhattisgarh Tonahi Pratadna Nivaran Act, 2005.

(2) Case of the prosecution, in brief, is that on 30.05.2018, a written complaint has been made by complainant Shiva Ram Singh and his son Dilip Singh against the present applicant and one co-accused Vijay Kumar Patel alleging that they have obtained Rs.21,50,000/- in different installments from the complainant in order to secure employment but neither they have provided job nor returned the money to the complainant, and thereby, committed the aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the crime in question as he has not committed any offence. He further submits that the applicant is in jail since 07.08.2019; charge sheet has already been filed and as the trial is likely to take some time for its final disposal and no custodial interrogation is required, therefore, the applicant is entitled to be released on bail. He also submits that similarly situated co-accused person namely Vijay Kumar Patel has already been granted anticipatory bail by this Court vide order dated 06.09.2019 in M.Cr.C. (A) No. 1176 of 2019 and, therefore, the present applicant may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; in particular the fact that applicant is in detention since 07.08.2019; charge sheet has already been filed; particularly the fact that similarly situated co-accused namely Vijay Kumar Patel has already been granted anticipatory bail by this Court; and the trial is likely to take time for its final disposal; without further commenting on merits; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 1,00,000/- with one 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 till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

