

(2018) 09 CHH CK 0283

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 6857 Of 2018

Ravishankar Rana

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Sept. 18, 2018

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 420, 467, 468, 471

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Ramesh Nayak, Ratan Pusty

Final Decision: Allowed

Judgement

P. Sam Koshy, J

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.183/2018 registered at Police Station

Kanker, District Kanker (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 34 of IPC.

2. Present applicant is in jail since 29/12/2017.

3. As per the prosecution case, the applicant along with the co-accused person is said to have exhausted a huge amount of money from the

complainant - J.K.Mandavi on the pretext of providing government employment. However, they did not provide the same, neither did they returned the

money back to the complainant leading to the filing of the F.I.R.

4. The counsel for the applicant submits that, the complainant in the instant case has since been examined before the trial court and he has not

supported the case of prosecution and has turned hostile. He further submits that, on the identical set of charge, the co-accused - Horilal Pankaj has already been released on bail vide MCRC No. 2561/2018 dated 19/06/2018 and submits that since the case of the applicant is on parity, he is also entitled for being released on bail.

5. The aforesaid contentions have not been disputed by the State counsel.

6. However, the State counsel opposes the bail application on the ground that, the manner in which the applicant had defrauded the complainant is quite serious and he do not deserve to be released on bail at this juncture.

7. Considering the entire facts and circumstances of the case, particularly taking note of the order passed in the case of Horilal Pankaj against whom the charges are if not identical but similar to the charges made against the applicant. Moreover the complainant himself i.e. J.K.Mandavi has turned hostile and has not supported the case of prosecution, this Court is of the opinion that, *prima-facie*, a strong case has been made out for grant of bail to the present applicant.

8. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.