

(2018) 07 CHH CK 0270

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 3764 Of 2018

Hemant Shastri

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: July 23, 2018

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 420

Hon'ble Judges: Sharad Kumar Gupta, J

Bench: Single Bench

Advocate: Vipin Singh, R.K. Gupta

Final Decision: Allowed

Judgement

Sharad Kumar Gupta, J

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending

before any other Court.

2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 381/2017 registered at Police Station - Bilha,

District - Bilaspur (C.G.) for the offence punishable under Section 420 of the Indian Penal Code.

3. Case of the prosecution, in brief, is that the applicant is the resident of village Jhal. He obtained Rs. 35000/- from the complainant Bedram Banjare

giving the false promise that he may provide him appointment in Registry Office of the High Court and also given him forged appointment letter.

4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.

6. As per the certified copy of the order of the Trial Court, the Trial Court has rejected the application for giving permission to compound offence to the complainant.

7. The offence is triable by the Judicial Magistrate First Class. The applicant is in custody since 07.02.2018.

8. Looking to these facts and circumstances of the case, looking to the fact that there is no antecedent against the applicant, there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.

9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.

10. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.30,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.

11. Certified copy as per rules.