

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 423 of 2024

Vinay Netam S/o Gopal Singh Netam Aged About 23 Years R/o Village Chaniyagaon Police Station Dhanora, District Kondagaon (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kanker District North Bastar Kanker (C.G.)

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate
For State	:	Mr. UKS Chandel, Dy. A.G.

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

31/01/2024

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.372/2023 registered at Police Station – Kanker District- North Bastar Kanker (CG) for the offence punishable under Sections 420, 467, 468, 471, 511, 34 of IPC.
2. Case of the prosecution, in brief, is that the District and Sessions Judge, North Bastar Kanker lodged a report alleging that applicant came to join service as Staff Car Driver based on the forged and fabricated document. Based on the report, applicant was arrested. His memorandum statement was

recorded in which he stated that on the persuasive statement of Sundar Lal Shori that he can provide the job of Staff Car Driver in High Court, has handed over Rs.2 lakh cash in two installments and Rs.1.75 lakh by transferring into the bank account. During course of further investigation, the other accused persons were also arrested.

3. Learned counsel for the applicant submits that the applicant has not committed any such offence. Applicant himself is a victim who has been cheated by co-accused. He also submits that transfer order is provided to him by Raju Ratre stating that now he is not required to join in High Court of Chhattisgarh, Bilaspur and he is transferred to Kanker. The applicant is in jail since 30.09.2023, after completion of investigation charge sheet is filed, therefore, he may be enlarged on bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that as per material available in the case diary, it is appearing that the applicant appeared before the District and Sessions Judge, Uttar Bastar Kanker with forged and fabricated transfer order. He do not dispute the submission of learned counsel for the applicant with regard to memorandum statement and upon asking, he submits that there is no criminal antecedent of the applicant.
5. I have heard learned counsel for the parties.

6. Taking into consideration the facts and circumstances of the case, nature of allegation, memorandum statement of the accused and further considering that there is no other criminal antecedent of the applicant, offence to be triable by Judicial Magistrate First Class, period of detention, without commenting anything on merits of the case, I am inclined to allow the bail application.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail on his furnishing a personal bail bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Court on the conditions 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.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen