

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6948 of 2015

Mahendra Banjare S/o. Amar Das Banjare, Aged about 39 years, R/o. Village Garra, Police Station- Bemetara, Civil and Revenue District Bemetara (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Pipariya District – Kabirdham (C.G.)

---- Respondent

For Applicant : Mr. Sanjay S. Agrawal, Advocate.
For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 92/2015 registered at Police Station- Pipariya, District – Kabirdham (C.G.) for the offence punishable under Sections 420/34 of IPC.
2. Case of the prosecution, in brief, is that the applicant and the other co-accused persons cheated the complainant Mohan Kumar Jaiswal and obtained Rs. 14 lakhs from him on the ground that the money will be tripled and further Rs. 5 lakhs was also obtained from the another complainant Dharmendra. Subsequently, it was found that the applicant has committed an offence of cheating.
3. Counsel for the applicant submits that the allegations were upto year 2013 and the report was made in the year 2015, therefore, the allegations made against the applicant is not made out itself

and do not support the case of the prosecution. He further submits that the applicant is innocent and he has been falsely implicated in this case and the charge sheet has been filed in this case, therefore, they may be enlarged on bail.

4. Per contra state counsel opposes the prayer for grant of bail.
5. Having regard to the fact and the way the offence has been committed and taking into fact that while entertaining the bail application of the other co-accused by the Coordinate Bench of this High Court in M.Cr.C. No. 4230/15 and 4233/ 2015 on 25.08.2015 it was observed that the main allegation of taking money is against this accused. Considering the averments and the fact that the main allegation is upon this applicant of cheating, the way the offence is committed, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)
Judge