

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2698 of 2016

1. Faij Mohammed, S/o. Shri Mohammed Farid, aged about 30 years, R/o. Laldadhipara Mahasamund, P.S. Mahasamund, Civil and Revenue District-Mahasamund (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, Police Station : Mahasamund, Civil and Revenue District-Mahasamund (C.G.)

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.316/2015, registered at Police Station – Mahasamund, District – Mahasamund (C.G.) for the offence punishable under Section 419, 380, 420, 467, 471, 511, 120B/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant alongwith other co-accused, Mujahid Ali and Anil Verma tried to withdraw the amount of Rs.6,50,000/- from the account of the Motor Accidents Claims Tribunal, Mahasamund on the basis of the forged cheque. The said cheque was alleged to be given by Anil Verma and the present applicant opened the account in the name of Gyanesh Thakur by pretending himself to be such person. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the applicant is in jail since 17.12.2015 and the charge-sheet in this case has been filed and no further investigation is required. He further submits that co-accused, Anil Verma in this case has been released on bail by the co-ordinate Bench of this Court in M.Cr.C.No.2154/2016 vide order dated 26.04.2016, therefore, the counsel prays that, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case, charge-sheet in this case has been filed and the evidence in this case is documentary in nature and further taking into the fact that similarly placed co-accused has been enlarged on bail by the coordinate Bench of this Court in M.Cr.C. No.2154/2016 vide order dated 26.04.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge