

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3200 of 2016

- Laxmi Narayan Sahu S/o Late Dhaniram Sahu Aged About 40 Years R/o Village Budhar, Police Station Patna, Tahsil Baikunthpur, District Koriya Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Charcha, Civil & Rev. Distt. Koriya Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Ashok Kumar Shukla, Advocate
For the Respondent	:	Mr. Shobha Kashyap, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 55 of 2016 registered at P.S. Charcha, Distt. Koriya (C.G) for the offence punishable under Sections 420, 419, 120-B of IPC.
2. As per the prosecution case, one Dalpat lodged a report on 28.04.2016 stating that the other co-accused came to him and said that they will install a mobile tower in his land and in lieu thereof the complainant will get cash of Rs.1 lakh and further Rs.10,000/- towards monthly rent and subsequently during conversation certain person came with gold biscuit and offered it for sale for Rs.13,00,000/-. At such moment, Vinod @ Sekhar Soni the other co-accused assured him to purchase the same on behalf of the Company and asked him to come after some time. The next day again Vinod and other co-accused came to the house of complainant wherein the persons with gold biscuit again came and at that juncture

the other co-accused asked the complainant to pay some amount on the assurance that as and when the higher officials of the Company people would come, the money will be paid to the complainant. Subsequently the biscuit was stated to be handed over in a tiffin box and on opening the same, it was found that instead of gold, some metal weight was kept in the tiffin box and during such transaction Rs.13 lakhs was paid by the applicant to the other accused. It is alleged that the present applicant Laxminarayan Sahu has sold different SIM cards to the other co-accused, therefore, the offence has been committed.

3. Learned counsel for the applicant submits that the entire fraud/cheating has been made by the other co-accused with Dalpat and this applicant has only sold the SIM to the other co-accused and the applicant is a dealer of the SIMs, therefore, no allegations can be attributed to the present applicant. He further submits that the name applicant is neither mentioned in the FIR nor in the statement of witnesses and only on the basis of memorandum of co-accused, the applicant has been implicated. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 29.04.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of Dalpat. considering the statement of Dalpat and other evidence, it appears that the main allegations of cheating are attributed to other co-accused Vijay kumar, Vinod @ Sekhar Soni, Somasit @ Siddhant, Laxman, Bholaram and Suraj.
6. Thus considering the facts and circumstances and the degree of allegations and looking to the role of applicant as he had

sold the SIM cards of mobile as also the fact that the applicant is in jail since 29.4.2016, I am inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

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