

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4343 of 2016

Vijay Kumar Bhaskar, S/o. Ganpat Ram, Aged About 22 Years, Caste Chamar, Occupation Labour, R/o. Village Dumarpara, Police Station Patna, District Korea, Chhattisgarh.

--- Applicant

Versus

State Of Chhattisgarh, Through Police Station Churcha, District Korea, Chhattisgarh.

--- Respondent

For the Applicant : Mr. Pushpendra Kumar Patel, Advocate

For the Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.08.2016

1. This is 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.55/2016 registered at Police Station- Churcha, Distt. Korea (C.G) for the offence punishable under Sections 419, 420, 120B of Indian Penal Code.
2. As per the prosecution case, one Dalpat lodged a report on 28.04.2016 stating that some of the persons came to his house and 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 while conversation was going on 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 the complainant alongwith the present applicant that the Company may purchase the same and rather condoned the complainant to purchase the same. 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 complainant was

allured to pay some amount to the persons who was selling the gold biscuits on the assurance that as and when the higher officials of the Company would come, the money will be paid to the complainant. Subsequently, after payment of money by the complainant, the said biscuit was handed over in a tiffin box and after opening the same, it was found that instead of gold, some metal weightment was kept. It is alleged that the present applicant has falsely approached the complainant by impersonating himself the officer of the mobile company who install the tower; thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and he has not cheated the complaint. He further submits that one of the accused Laxmi Narayan Sahu has been enlarged on bail by this Court on 30.06.2016 in MCRC No.3200 of 2016, therefore, the present applicant may also be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the complainant wherein the allegations have been attributed to this applicant alongwith other co-accused. Taking into such fact and considering the recovery of an amount and further taking into fact that the case of the present applicant is different to that of the person who has been enlarged on bail, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
GOUTAM BHADURI
JUDGE