

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4363 of 2016

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

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Baikunthpur, 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

08.08.2016

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. 99 of 2016 (wrongly mentioned as 99/2014 in the impugned order) registered at P.S. Baikunthpur, Distt. Koriya (C.G) for the offence punishable under Sections 420, 419, 120-B of IPC.
2. As per the prosecution case, one Pranpati, wife of Hari Prasad lodged a report on 16.04.2016 stating that the other co-accused came to her and said that they will install a mobile tower in her land and in lieu thereof the complainant will get cash of Rs.50,000/- and further Rs.15000/- towards monthly rent and subsequently during conversation one person came with gold biscuit and offered it for sale for Rs.8,00,000/-. 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 a day. The next day again Vinod and other co-accused came to the house of complainant to purchase the same as the Company was not able to purchase. On the basis of that the complainant had paid Rs.8 lakhs to one of the co-accused. Subsequently the gold which was purchased and given it in

a tiffin box was found to be fake.

3. Learned counsel for the applicant submits that the entire fraud/cheating has been committed by the other co-accused with complainant 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 him. He further submits that the name of applicant is neither mentioned in the FIR nor in the statement of witnesses and only on the basis of memorandum of co-accused that the SIM card was purchased from this applicant, he has been implicated. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 30.04.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of victim. It appears that main allegations have been attributed to the other co-accused Vijay Kumar @ Shyam Kewat, Vinod @ Sekhar Soni @ Rajesh Soni, Somasit @ Siddhant.
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 30.4.2016, 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