

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 799 of 2016

1. Pawan Kumar, S/o. Motiwar Paswan, Aged About 22 Years, R/o. House No.36, Awas Vikas Colony, Kudaghat Gorakhpur, At Present 202, At 5 Sector Indirapuram Gaziabad (U.P.).
2. Navin Kumar, S/o. Mahesh Prasad Singh, R/o. Lohgir P.S. Usiyarpur, Distt. Samstipur Bihar, 174, At 5 Sector Indirapuram Gaziabad (U.P.).

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. Kawardha, Distt. Kabirdham, Chhattisgarh.

---- Respondent

For Applicants : Mr. Ajay Ayachi, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.02.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.346/2015 registered at Police Station– Kawardha, District Kabirdham (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code.
2. The first bail application is dismissed on 08.12.2015 in M.Cr.C. No.6732 of 2015.
3. Case of the prosecution, in brief, is that in the month of January, 2015, the complainant Ramesh Kumar Chandravanshi received a phone call on his mobile. The person calling him on his mobile assured that he will provide loan to him on the assurance of fulfilling certain terms. Consequently, the money was transferred to a value added card and on the assurance the loan would be granted. In the result, Rs.9.04,650/- was deposited.

4. Learned counsel for the applicants would submit that there has been misunderstanding in the business dealing and the applicants have returned back the amount so received and for which the compromise application has also been filed before the Court, which was rejected and subsequently the complainant Ramesh Kumar Chandravanshi who was examined before the Court has not supported the case of the prosecution. He relied on the copy of the statement and would submit that under the facts and circumstances of the case, the applicant may be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Considering the fact that the prosecution witness, the complainant has turned hostile and further taking into fact that the compromise application has been filed, I am inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicants shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
10. Considering the fact that the applicants are the resident of outside the State, one local surety each be given by them.
11. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge