

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5502 of 2016

1. Ambika, S/o. Shiv Prasad Yadav, Aged About 28 Years.
2. Ram Kumar, S/o. Sheetal Prasad Yadav, Aged About 44 Years.

Both are R/o. Village Karri, Police Chowki Balangi, P.S. Raghunath Nagar, Distt. Balrampur – Ramanujganj, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Odgi, District Surajpur, Chhattisgarh

---- Respondent

For Applicants : Mr. Jitendra Shrivastava, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03.10.2016

1. This is the first 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.47/2016 registered at Police Station- Odgi, District Surajpur (C.G.) for the offence punishable under Section 419 & 420/34 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Ashish Ranjan Kumar that initially on 26.04.2016 some Gold chip was given to him by one Devidayal as a sample which was found to be correct. Subsequently, again on 13.05.2016 an amount of Rs.1,00,000/- was received and a Gold metal chip was given which was found to be forged; thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case, as the entire deal was

made by one Devidayal and Gold was given by Devidayal not by the present applicants and despite the fact the applicants were ready to make payment, but the complainant has not received the payment back; therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Perused the statement of the victim wherein it reveals that money was paid to one Ramkumar, the applicant No.2, and the alleged Gold was given by Devidayal. Considering the same, I am not inclined to release the applicant No.2 on bail, as he has received the amount and further considering the facts & circumstances and the allegation leveled against the applicant No.1, Ambika, I am inclined to release him on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed in respect of the applicant No.1 and disallowed in respect of the applicant No.2.
7. It is directed that the applicant No.1 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.

Sd/-
(Goutam Bhaduri)
Judge