

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6379 of 2016

1. Naresh Chandra S/O Banwarilal, Aged About 28 Years Caste Kanwar, Occupation Agriculturist, R/O Village Chhirpani, P. S. Jobi, Tahsil Kharsiya, District Raigarh (Chhattisgarh).
2. Gendlal S/O Kriparam, Aged About 30 Years Occupation Krishi, Caste Sidar, R/O Village Akash Marg, P. S. Jobi, Tahsil Kharsiya, District Raigarh (Chhattisgarh).

---- Applicants

Versus

- State Of Chhattisgarh Through The S. H. O., Police Station Kharsiya, District Raigarh (Chhattisgarh).

---- Respondent

For Applicants : Mr. R.N. Pusty, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-10-2016

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 on 10-9-2016 in connection with Crime No. 364 of 2016, registered at Police Station Kharsiya, District Raigarh (CG) for the offence punishable under Sections 420, 417/34 of the IPC.
2. Case of the prosecution, in brief, is that on 8-9-2016 the applicants went to the complainant Raj Kumar Agrawal and offered for sale of one Mangalsutra and chain. Subsequently, when the said ornaments were tested, it was found that the same were not golden ornaments and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case and they offered ornaments for consideration, but consideration was not paid, therefore, question of fraud does not arise at all. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 10-9-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and also the fact that charge-sheet in this case has been filed and the applicants are in jail since 10-9-2016, this court is inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju