

HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 6902 of 2016**

- Sunil Jhariya S/o Sharda Prasad Jhariya Aged About 24 Years R/o Village - Mandlatola, Police Station & Tahsil Bodla District Kabirdham Chhattisgarh

---- **Petitioner**

**Versus**

- State Of Chhattisgarh Through Police Station Kawardha District Kabirdham Chhattisgarh

---- **Respondent**

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For Applicant : Mr. Kaushal Yadav, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**18-11-2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 30-9-2016 in connection with Crime No. 111 of 2016, registered at Police Station Kawardha, District Kabirdham (CG) for the offence punishable under Section 420 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Guharam that he has purchased the Motorcycle from Mohd. Bilal Gandhi, who is owner of Jishan Bike Showram. An amount of Rs.23,000/- down payment was made and rest of the amount was not paid and he was advised by Mohd. Bilal Gandhi to deposit the amount of installment of Rs.2770/- in the account of Sunil Jhariya - present applicant, who was working in the said show room and in that way the vehicle was financed and thereafter the complainant deposited Rs.13,850 as

installments and the applicant only deposited two installments and rest of the installments were usurped though the amount was paid by the complainant and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case and he only stood as a guarantor . He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 30-9-2016 and no further investigation is necessary, therefore, he 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. Prima facie, it appears that the evidence is documentary in nature.
6. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the applicant and the evidence appears to be documentary in nature and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 30-9-2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant 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.

Certified copy as per rules.

Sd/-  
**(Goutam Bhaduri)**  
Judge

Raju