

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7018 of 2017

Tanish Toppo S/o Samual Toppo Aged About 47 Years Caste Uraon,
Occupation Cultivator. R/o Village Satpara, Tahsil Vishrampur, District
Surajpur Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Vishrampur District Surajpur Chhattisgarh **---- Respondent**

For Applicant	:	Mr. Rahul Mishra, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/12/2017

Heard.

1. The applicant has been arrested in connection with Crime No.194 of 2017 registered at Police Station- Vishrampur, Distrit Surajpur (C.G.) for the alleged commission of offence under Section 420/34 of IPC.
2. Case of the prosecution is that the applicant along with his wife floated a scheme of investment and high returns and induced the complainants to subscribe to the scheme and thus collected a total amount of Rs.3,98,500/- from number of depositors. It is alleged that applicant despite demand, did not repay the amount as assured, to the complainants.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. Mere non-payment of sum assured does not amount to cheating and present is a case of purely civil nature, to extract money through threat of criminal case.
4. Learned counsel for the State would submit that the applicant has collected

almost Rs.4 lacs in the name of a company stating it to be a case of investment with intention to cheat. Therefore, prima faice, case is not made.

5. Taking into consideration the nature of allegation, total amount involved in the case and that the investigation is complete, charge-sheet has been filed and the applicant is in jail since 10.09.2017, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge