

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7232 of 2017**

Anoj Vishavakarma, S/o. Late Bhima Vishavakarma, aged about 38 years,
R/o. Village – Nawagarh, P.S. & Tahsil – Ambikapur, District – Sarguja (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station- Kotwali, Ambikapur, District-
Sarguja , Chhattisgarh.

---- Respondent

For Applicant : Mr. R.K. Pali, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**14/12/2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.837/2016, registered at Police Station – Kotwali, Ambikapur, District – Sarguja (C.G.) for the offence punishable under Section 120 B, 420/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. It is submitted that, in the case filed against the applicant, there is no evidence to show that he had been a party to the offence of cheating and conspiracy. The only allegation against him is that he was present there on one occasion with the main accused Abhay Singh and it is clear from the evidence

on record that applicant has made no statement before the complainant so as to induce him to pay the money to the main accused, applicant is in jail since 08.09.2017, he is a local resident, he is ready to abide by all the conditions for grant of bail, therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the contents of the FIR and statement of witnesses, applicant had been a party to the offence committed, hence, he is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The brief facts of the case are these that the complainant – Abhilash Kumar Rajwade had purchased a land through registered sale deed, which was executed by power of attorney holder of the land. Some complaint was made against the complainant that he had got the execution of sale deed through fraud and then he was approached by the co-accused - Abhay Singh, who impersonated as a officer of CID and he induced the complainant that he can under his authority resolve the dispute and get him out of the allegations in the complaint made against him. On his assurance, the complainant gave him Rs.2,00,000/- for resolving the dispute. Later on, when the complainant came to know from the news paper that, Abhay Singh was a impersonator and have cheated a number of persons, he has lodged the FIR.

6. Considered the submissions made and the contents of the case diary.
Taking into consideration particularly the statement given by the witnesses regarding the role played by the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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/-
(Rajendra Chandra Singh Samant)
Judge