

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 941 of 2017

- Ashish Gupta S/o Hargovind Gupta Aged About 35 Years R/o Niwadi, Police Station- Niwadi, District- Tikamgarh, (Madhya Pradesh)

---- **Petitioner**

Versus

- State of Chhattisgarh Through: Station House Officer, Civil Lines, District- Bilaspur, Chhattisgarh

---- **Respondent**

For Applicant : Mr. Ajay Ayachi, Advocate

For Respondent/State : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

6-3-2017

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 12-1-2017 in connection with Crime No. 235 of 2016, registered at Police Station Civil Lines, District Bilaspur (CG) for the offence punishable under Sections 420, 120-B/34 of the IPC.
2. As per prosecution case, a report was made by complainant Kneeja Fatima that she received information through mobile phone that she had won lottery in lucky draw and received prize of Idea Company and she was made to deposit Rs.39,000/- in different accounts. Subsequently, it was found that the entire call was fake. It is alleged that the applicant had sold the SIM which was used to make a call and thereby the applicant was involved in conspiracy.
3. Learned counsel appearing for the applicant would submit that other co-accused persons have been enlarged on bail as main accused person

entered into compromise and it is only allegation against the present applicant that he sold the SIM. He would further submit that the applicant was running the shop therefore, he sold the SIM, therefore, no offence was committed by the present applicant. It is further submitted that charge-sheet has been filed in this case, the applicant is in jail since 12-1-2017 and no further investigation is required, 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.
6. Taking into consideration the facts and circumstances of the case , considering the role played by the present applicant and further considering the fact that other co-accused person has been enlarged on bail and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 12-1-2017, 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju