

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 746 of 2017

1. Ashok Singh @ Suresh Singh, S/o. Gopal Singh, Aged About 48 Years, Occupation- Cloth Business, R/o 40, House Of Surajmal Thakur, Bazaar Road, Near Primary School, Road Basti, Nawada, Tahsil And District- Nawada (Bihar).

----Applicant

Versus

1. State Of Chhattisgarh, Through – Station House Officer, Police Station, Civil Lines, Bilaspur, Tahsil and District -Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. M.D. Dhote, Advocate
Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/03/2017

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.373/2015, registered at Police Station – Civil Lines, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 419, 420 read with Section 120-B, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the co-accused approached the complainant Santram Sahu pretending himself to be the bank official and stated that he would be giving benefit of loan and as such allured the complainant to pay the amount and the amount in the cheque was filled up by that person of Rs.470/-. Subsequently, the said amount of Rs.470/- was erased as it was written by the magic pen and Rs.8,75,240/- was inserted and the amount was withdrawn. On

the report made the applicant along with other co-accused have been arrested and during the investigation it also revealed that the similar nature of offence bearing Crime No.243/15 was registered at Kota, Crime No. 173/15 was registered at Ratanpur and the instant crime was committed. Present applicant pretended himself differently and appeared with the identity of D. Bhagat, Vinod Khanna etc.

3. Learned counsel for the applicant would submit that the complainant Santram Sahu has been examined before the Court and at para-11 of the statement would show that he has completely exonerated the applicant and no allegations have been attributed to the applicant and the main allegation has been attributed to Ajay Pandey @ Manoj Sonkar, who is having bank account in Karnataka Bank at Kolkata and the applicant is in jail since 19.08.2015. It is further submitted that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C. No.507/2017, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the complainant. Considering the statement of the complainant and further taking into the fact that no objection is made on behalf of the complainant in M.Cr.C. No.507/2017 and further considering the fact that similarly placed co-accused has been enlarged on bail, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on 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/-
(Goutam Bhaduri)
Judge

Balram