

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1246 of 2017

Amit Kumar Banjare, S/o. Preetlal Banjare, Aged About 19 Years, R/o. Plot No. 47, Harshit Vihar Colony, Urkura Bircon, Raipur, Tahsil & District- Raipur Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station -Supela, District -Durg Chhattisgarh .

---- Respondent

AND

M.CR.C. No. 1492 of 2017

Surendra Kumar Banjare, S/o. Shri Shobharam Banjare, Aged About 19 Years, R/o. Mohanbhata Kota, Police Station -Kota, Tahsil- Kota, Civil And Revenue District -Bilaspur, Chhattisgarh .

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Supela, District : Durg, Chhattisgarh .

---- Respondent

For Applicants	: Mr. V.R. Tiwari, Advocate & Mr. Amit Kumar Chaki, Advocate
Respondent/State	: Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/03/2017

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.1144/2016, registered at Police Station – Supela, District – Durg (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that on 14.12.2016 a report was made by Virendra Kumar Pandey that on 25.11.2016 one Abhisek along with the present applicants came to the shop of the complainant for sale of cement and the deal was fixed. Subsequently, when the truck loaded with cement reached to the shop of the complainant, an amount of Rs.74,000/- was transferred in the account of Abhisek. Subsequently, a phone call was received by Laxmi Traders that amount has not been received. Thereby, the applicants along with other co-accused persons have cheated the complainant.
3. Learned counsel for the applicants would submit that the entire amount was transferred in the account of Abhisek and he is the beneficiary and the applicants are not the beneficiary and they have been falsely implicated in this case. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 15.12.2016 and no further investigation is necessary, therefore, the applicants 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 case diary and the documents. Considering the facts and circumstance of the case, the degree of allegation and the nature of evidence available against the present applicants and further taking into the fact that charge-sheet in this case has been filed and the applicants are in jail since 15.12.2016, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on bail.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram