

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5459 of 2017

Ramavatar Singh S/o Shri Kuldeep Singh, Aged About 31 Years R/o B - 36, First Floor, Gurunanakpura, New Delhi 110092.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Incharge, P. S. City Kotwali, Jagdalpur, District Baster (Chhattisgarh).

---- Respondent

For Applicant	:	Shri ARK Rao, Advocate
For State	:	Shri Shashank Thakur, Govt. Advocate

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

Order On Board

23/11/2017

Heard.

1. The applicant has been arrested in connection with Crime No.135 of 2016 registered in Police Station- City Kotwali, Jagdalpur(C.G.) for alleged commission of offence under Sections 420, 467, 468, 471, 120-B/34 IPC.
2. Case of the prosecution, in brief, is that one 'Shop It' Company, on a false promise, induced the complainant to make online deposit in various bank accounts for supply of certain goods which were never supplied and in this manner complainant parted with more than Rs.27 lakhs. The allegation against the applicant is that the applicant was engaged by the 'Shop It' Company to withdraw cash amount from various accounts and in this manner, the applicant also acted in conspiracy with the 'Shop It' Company to cheat the complainant.
3. Learned counsel for the applicant would submit that even according to case of the prosecution, the amount which were withdrawn by the applicant under instructions from 'Shop It' Company were deposited only with the Director of the Company and did not remain with the applicant. He would

further submit that the applicant was only entrusted with the job as commission agent to facilitate withdrawal of cash and deposit in the account of the Director of the Company.

4. On the other hand, learned counsel for the State, opposing the bail application, submits that the manner in which various transactions were made and amount deposited in various account were withdrawn and then deposited in the account of the Director of the Company shows applicant's involvement. Therefore, he is not entitled to grant of bail.
5. Taking into consideration the submissions made by learned counsel for the parties, the role alleged to be played by the applicant in transferring the amount in the name of Director of the Company and that the applicant appears to have worked in the said company only as an Agent, he is not likely to abscond or tamper with the prosecution witnesses, 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 one local surety 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