

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5444 of 2017

1. Mohd. Pyare & Others S/o S/o Moharram, Aged About 55 Years R/o Village Ichouli, Police Station Mohammadabad District- Gajipur, Uttar Pradesh
2. Noor Alam S/o Mohd. Isrile, Aged About 25 Years R/o Village Ichouli, Police Station Mohammadabad District- Gajipur, Uttar Pradesh
3. Jafar S/o Mohd. Pyare, Aged About 22 Years R/o Village Ichouli, Police Station Mohammadabad District- Gajipur, Uttar Pradesh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Baikunthpur, District- Korea, Chhattisgarh.

---- Respondent

Shri Anil Gulati, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/11/2017

Heard.

The applicants have been arrested in connection with Crime No.95/2017 registered at Police Station – Baikunthpur, District – Korea (CG) for alleged commission of offences under Section 406, 420 r/w 34 of IPC.

2. Case of the prosecution is that the applicants, by giving a false promise of getting certain work of digging and earthwork done, deceived the victim and got payment of Rs.2,00,000/- and thereafter, they eloped without doing any work.

3. Learned counsel for the applicants submits that the applicants have not committed any offence. The dispute is of civil nature but it has been converted to a criminal case towards certain work executed by them for the victim. It is submitted that investigation is complete, charge sheet has been filed and applicants are not likely to abscond or tamper with the prosecution witnesses.

4. On the other hand, learned State counsel opposes bail application and submits that as per the records of the diary, the applicants, on a false pretext and promise to get certain work done, deceived huge amount of Rs.2,00,000/- and eloped with the said money.

5. Taking into consideration the submission of learned counsel for the parties, material on record, nature of allegations and that investigation is complete, charge sheet has been filed and the applicants are in jail since 25/03/2017, I am inclined to grant bail to the applicants.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on each of them 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 Trial Court. They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge