

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 6423 of 2017

- Deepak Kumar Chauhan S/o Shri Babulal Chauhan Aged About 26 Years R/o Railway Banglapara, Tahsil & District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Officer In Charge Of Police Station City Kotwali, Raigarh, District Raigarh Chhattisgarh.

---- Respondent

For the Applicant : Shri Roop Naik, Advocate.

For the Respondent/State : Shri Anant Bajpai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29.11.2017

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 in connection with Crime No. 591/2017, registered at Police Station – City Kotwali, District – Raigarh (C.G), for the offences under Section 420 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He is in jail since 21.09.2017 and no offence is made out against him, on the basis of the material presented by the prosecution. The case is triable by the Judicial Magistrate First Class. The applicant is a local resident of District- Raigarh, and he is ready to abide by all the conditions which may be imposed while granting bail to the applicant. Hence, the applicant prays for grant of bail.
3. Learned counsel for the State opposes the bail application and submissions made in this respect. It is submitted that applicant has made an attempt to cheat the complainant by transferring the money from her bank account to his own account, therefore, no case is made out for grant of bail, hence, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. The facts of the case are these, that complainant- (Sumanti Bai) had received pension scheme amount to the tune of Rs. 7,50,000/-. After the applicant coming to know of the bank balance of the complainant, he fraudulently induced the complainant saying that the amount is not safe in the account, because of which the complainant submitted withdrawal form in the bank and she also submitted a deposit form for deposit of withdrawal amount. The bank got suspicious and sent information to the police. On arrival of police party, the FIR was lodged and the applicant was arrested.
6. Considering the submission and contents of the case diary, this appears to be an attempt to cheat the complainant. And

the applicant has not been benefited in any manner in the said commission of offence. After due consideration, it appears that the applicant is a local resident and no purpose would be served, if the applicant is kept in detention till the completion of the investigation and trial, this Court is of the opinion that this is a fit case, where the applicant is entitled for grant of bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal