

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6864 of 2016

- Arvind Yadav S/o Manohar Lal Yadav Aged About 30 Years R/o Village Poha Thana & Tahsil Niwadi District Tikamgarh, Madhya Pradesh

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Jhagrakhand, Civil And Revenue District Koriya Chhattisgarh

---- Respondent

&

MCRC No. 8369 of 2016

- Dipendra Singh S/o Malkhan Singh Aged About 19 Years Caste-Sakhwar, R/o Village Balipur Gher, Police Station Ambah, Tahsil Ambah, District Muraina, Madhya Pradesh.

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Jhagrakhand, District Koriya, Chhattisgarh.

---- Respondent

For Applicant in M.Cr.C.No: Mr. Kamal Kishore Patel, Advocate
6864 of 2016

For Applicant in M.Cr.C.No: Ms. Sharmila Singhai, Advocate
8369 of 2016

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

For complainant : Mr. Ritu Sahu, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-01-2017

1. Since both the bail applications arise out same Crime No.204 of 2015, they are heard analogously and are being disposed of by this common order.

2. These are first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 2-9-2016 in connection with Crime No. 204 of 2015, registered at Police Station Jhagrakhand, District Koriya (CG) for the offence punishable under Sections 420 & 120-B of the IPC.
3. As per prosecution case, one Ramjeet Uraon lodged the written report that on 23-11-2015 he received phone call from Rajesh Sharma that he has won price of Rs. 2 lakhs and one Pulsar vehicle and he was asked to deposit certain amount in different accounts of the applicants and periodically the complainant had deposited total Rs.66,000/- in different accounts of the present applicants. However, when it came to fore that the complainant has been cheated, first information report was registered against the applicants and thereby the aforesaid offence was committed.
4. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, there has been some misunderstanding and presently the entire amount i.e., Rs.66,600/- has been paid to the complainant and no complaint appears to have been existed. It is further submitted that charge-sheet has been filed in this case, the applicants are in jail since 2-9-2016 and no further investigation is required, therefore, they may be released on bail.
5. Learned counsel appearing for the complainant would submit that the complainant has received the entire amount from the present applicants and he has no objection if the present applicants will be released on bail.

6. On the other hand, learned State counsel opposes the prayer for grant of bail.
7. I have heard learned counsel for the parties, perused the case diary and documents.
8. Taking into consideration the facts and circumstances of the case, further considering the statement of the complainant that he has received the entire amount from the applicants and also the fact that charge-sheet in this case has been filed and the applicants are in jail since 2-9-2016, I am inclined to release the applicants on bail.
9. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju