

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1991 of 2017

- Manav @ Monu S/o Kishanlal Sapda, Aged About 32 Years R/o Piragari, Camp- D 170, New Delhi- 86 - India --- **Petitioner**

Versus

- State of Chhattisgarh through Police Station Balod, , District Balod, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Arjun Yadav, Advocate
For the State	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.04.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 169/2016 registered at P.S. Balod, Distt. Balod (C.G) for the offence punishable under Sections 420, 467/34, 468/34, 471/34 & 120-B of IPC.
2. The first bail application was dismissed on 17.11.2016 as withdrawn.
3. As per the prosecution case, an advertisement was issued in the Nai Duniya newspaper on 07.04.2016 whereby certain offer was made to install the mobile tower of *Aircel*/ Company with a condition that if any person or persons authorized to install the tower over his/their land then in such case they would be paid Rs.80 lakhs. Consequently, certain people came forward and deposited different amounts in certain banks after contacting in the mobile number and subsequently, the offer was found to be completely fake. It is alleged that the present applicant is one of the conspirator

who had used the mobile phone while communicating with the other co-accused and dual SIM was used in the mobile, therefore, the offence is committed.

4. Learned counsel for the applicant would submit that the similarly placed co-accused Hitesh Kumar whose bail was rejected by this Court on 16.09.2016 in M.Cr.C.No.4826/2016 has been subsequently enlarged on bail by the Supreme Court in S.L.P.(Cr.). No.1510/2017 as per annexure A-4 and the case of present applicant is also similar to that of co-accused Hitesh Kumar, therefore, the present applicant may also be enlarged on bail.
5. On the other hand, learned State Counsel opposes the prayer. However, he do not dispute the fact that co-accused Hitesh Kumar against whom similar allegations were made has been subsequently enlarged on bail by the Supreme Court after rejection of his bail application by this Court.
6. Taking into submission made by learned State Counsel that co-accused Hitesh Kumar has been subsequently enlarged on bail by the Supreme Court and in being in parity with the case of other accused Hitesh Kumar, I am inclined to release the present applicant on bail.
7. Accordingly, this bail application is allowed and the applicant Manav @ Monu is directed to be enlarged on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court on each and every date as may be directed by the said Court.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**