

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7980 of 2017**

Abhishek Sahgal, S/o. Late Rameshchandra Sahgal, Aged About 32 Years,
R/o. Sector 27, New Raipur, Post Office- Raipur, Police Station -Rakhi, Raipur
District- Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Gobra Nawapara, District -Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**28/02/2018**

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. 58/2017, registered at Police Station- Gobra Nawapara, District – Raipur (C.G.) for the offence punishable under Section 419, 420, 467, 468, 471/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. In reality there had been a civil transaction between the applicant and the complainant regarding purchase of ornaments made from the complainant with promise to make payment later on, even then false FIR has been lodged against this applicant. In subsequent development, applicant and the

complainant have compromised and application for compromise has been filed before the trial Court, the concerned trial Court has allowed the application for compromise acquitting the applicant from the compoundable offences under Section 419 and 420 of the IPC, whereas, the trial is pending for the remaining non-compoundable offences. Therefore, it is prayed that the applicant be enlarged on regular bail.

3. Learned State counsel opposes the application and the submission made in this respect. It is submitted that the applicant has criminal antecedents of similar case committed in the year 2017 and also according to his memorandum statement, it appears that he has committed six other similar offence although there is no record of other cases as mentioned in his memorandum, therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As per the prosecution case, complainant Sunil Kumar Bangani filed a written complaint stating that on 12.01.2017, that the applicant with intent to cheat him made a purchase of gold ornaments worth Rs.1,34,977/- and for payment of the same, he gave a cheque signed by Neharu Patel in security and promised to make payment on later date. The applicant did not turn up to make the payment, therefore, the written complaint was submitted on the basis of which, FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary and also perused the certified copy of the compromise application and the order

sheet of the trial Court, according to the development that has taken place regarding compromise between the applicant and the complainant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge