

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5686 of 2017**

1. D. V. Chandrashekhar S/o Shri D. V. Murty, Aged About 40 Years
2. Smt. D. V. Varsha Shekhar, W/o D. V. Chandrashekhar, Aged About 35 Years

Both are R/o Tajeshwar Nagar Gress Vill - 01, House No. 115, Police Station Hudkeshwar, Nagpur, District Nagpur, Maharashtra.,

---- Applicants**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Civil Lines, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Shri L.K. Mishra, Advocate
For Respondent-State	:	Shri Adhiraj Surana, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18/01/2018**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 11.07.2017 in connection with Crime No.124/2016 registered at Police Station Civil Lines, Civil and Revenue District Raipur (CG) for the offence punishable under Sections 417, 467, 471 of the I.P.C. & Section 66 A.B.C.D. of the I.T. Act.
2. As per the prosecution case, while the applicants were facing a criminal trial bearing Criminal Case No.7388/2015, the complainant Ranjan Dayal was examined and cross-examined, certain documents were confronted, wherein a document contains an e-mail ID of the complainant and the

allegation was made that the present applicants have prepared the fake e-mail ID. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that the applicants have been acquitted in the criminal case No.7388/2015, thereafter he was given opportunity by the Hon'ble Apex Court after registration of this case to surrender before the trial Court. Consequently, they surrendered before the trial Court on 27.01.2017 and prayer for bail was made, however, the same was dismissed on 28.01.2017 and eventually the applicants were taken into custody on 11.07.2017 till then they are in custody. He would further submit that the alleged e-mail IDs were prepared in the year 2004 & 2007 by one Shashi Ranjan. He would further submit that the applicants came in contact with the complainant in the year 2012, therefore, the allegation of preparation of fake IDs is completely false and unacceptable. He would further submit that the charge-sheet in this case has been filed and the applicants have been acquitted in the other case, however, they are again been inculpated in the second case, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the documents filed along with the bail application. It appears that during the evidence in the earlier trial bearing No.7388/2015 certain facts are placed that upon preparation of the fake email ID on which the applicants were further arrested. Consequently, the applicants surrendered before the Court and from 11.07.2017 it appears that the applicants surrendered initially before the Court and moved for bail, however, the same was rejected on 28.01.2017. The bail of the other co-accused bearing M.Cr.C. No.3239 of 2017 was dismissed on the ground that the other co-accused persons i.e. the present applicants are still absconding, therefore, bail of Yashwant Deshpandey was dismissed. However, the order-sheet

shows that on 11.07.2017 the applicants were inside the jail. Considering the facts of this case, it appears that the nature of evidence appears to be documentary in nature and the bail of the other co-accused was rejected on the ground that the applicants were absconding appears to be not correct in terms of the order-sheet which is placed in this case, I am inclined to release the applicants on bail.

6. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu