

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1050 of 2018

- Vikas Motwani S/o Shri Purshottam Das Motwani, Aged About 35 Years, R/o Katora Talab, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through the Police Station Telibandha Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Ankur Agrawal, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-03-2018

1. Heard on the urgent hearing application.
2. Considering the grounds mentioned in the urgent hearing application, the same is allowed and the matter is heard out of turn.
3. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 23-01-2018 in connection with Crime No.473/2017 registered at P.S. Telibandha, Raipur, Chhattisgarh for the offence under Section 420 of the IPC.
4. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. In fact, the dispute between the applicant and the complainant in this case is of civil nature regarding some money transaction and as the applicant could not repay the same, the complainant lodged a false FIR against him. The applicant is in jail since 23-01-2018 and he is local resident of District Raipur. He is ready to abide by all the conditions to be imposed on bail. Hence, it is prayed that the applicant may be released on bail.

5. Learned counsel for the State/non-applicant opposes the application submitting that the applicant has committed the offence of cheating with the complainant, hence, no case is made out for grant of bail.
6. Heard learned counsel for the parties and perused the case diary.
7. The allegation made by the complainant in this case is this, that about two years prior to lodging of the FIR the applicant had obtained Rs.8,10,000/- on the pretext that he will provide a piece of land to the complainant. As the applicant could not provide the land, hence on demand made for refund of the amount advanced, the applicant gave some cheques to the complainant which were dishonoured by the bank. Hence, the FIR was lodged by the complainant.
8. Considered on the entire material present in the case diary. No written document regarding the acknowledgment of the amount received by the applicant has been collected in the investigation. Also perused the documents attached with the application, which shows that previously some complaints were made by the complainant, on which the concerned police has advised the complainant to approach civil court. Hence, after overall consideration on the material present in the case diary, I am of this view that this applicant should be granted regular bail.
9. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge