

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7716 of 2017

- Abhishek Sahgal S/o Late Rameshchandra Sahgal, Aged About 32 Years, R/o New Raipur, Sector - 27, M.I.G. 552, Post Office - Raipur, Police Station - Rakhi, Raipur, Raipur Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Abhanpur, District Raipur, Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application under Section 439 of the Cr.P.C. filed by the applicant before this Court. The applicant has been arrested on 11-03-2017 in connection with Crime No.70/2017 registered at Police Station Abhanpur, District Raipur, Chhattisgarh for the offence under Section 419, 420, 467, 468, 471, 34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 11-03-2017. Charge sheet has been filed before the concerned Court. It is further submitted that compromise has been arrived at between the complainant of this case with the applicant, on the basis of which, the applicant has been acquitted from the charge of the compoundable section under Section 420 of the IPC. It is also submitted that the complainant of this case has been examined, who has not supported the case of prosecution. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant has two earlier cases registered against him under the provisions of the IPC, hence, for this reason, he is not entitled for grant of bail.

4. In reply, learned counsel for the applicant submits that the applicant has

been acquitted in one of the previous cases registered against him and another one is pending, in which, he has been granted bail by the trial Court.

4. Heard learned counsel for the parties and perused the case diary.

5. The case of the prosecution is this, that the applicant impersonating as Vishram Sahu came to the jewellery shop styled as Mahaveer Jewellery and made purchase of gold chain and ring of total worth Rs.1,14,740/-, for which the payment was made through cheque. When the cheque was presented for encashment in bank, it was dishonoured. Hence, this FIR was lodged. The applicant was apprehended and interrogated and at his instance some articles have been recovered from him.

6. Considered on the submissions made and contents of the case diary.

7. As it appears that the complainant has compromised with this applicant, because of which, the case has been partially compounded and the applicant has been acquitted of some of the charges against him. Hence, looking to this development in this case, I am of this view that the applicant should be granted regular bail in the present matter.

8. Consequently, the application (MCRC No.7716/2017) filed under Section 439 of the Cr.P.C. by the applicant 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.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge