

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5972 of 2017**

Anand Vishwakarma, S/o. Dharamdas Vishwakarma, Aged About 18 Years,
R/o. Village Sakuli, Post -Santibhairav, Thana -Nawadi, District- Tikamgarh,
Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station -
Banki Mongra, District -Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.R.J. Jaiswal, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**04/01/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.113/2016, registered at Police Station – Banki Mogra, District – Korba (C.G.) for the offence punishable under Section 420, 467, 468 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 07.11.2016, the offence against him is triable by Judicial Magistrate First Class, the trial against the applicant is pending and is

likely to take sometime for its completion, therefore, it is prayed that the applicant be released on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. Counsel for the applicant has also submitted that applicant and the complainant – Ganpat Yadav have entered into a compromise and all the amount received by the applicant has been returned by him to the complainant.
5. On the direction given by this Court, the State has verified such compromise and the statement of the complainant is in the record of the case diary, which confirms the statement made by the applicant.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. Case against the applicant is that he called the complainant on mobile informing him that a lucky draw by which the complainant is going to get a Pulsar motor cycle and Rs.5.00 lakhs cash has been declared by the Idea company, for which the applicant is working. On the inducement given by the applicant, complainant deposited Rs.50,000/- in the account of the applicant and thereafter, applicant gave a forged cheque to the complainant and tried to get away on account of which, the FIR was lodged.
8. Considered on the submissions made and the contents of the case diary. Taking into consideration the present development of the case that compromise has been arrived at between the parties and the applicant is in jail since 07.11.2016, no purpose would be served, if

the, applicant is kept in detention till the completion of trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
10. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge