

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6460 of 2017**

- Mohd. Shabbir S/o Jalil Ahmad, Aged About 36 Years, R/o Village Badwar, Police Station Ramkola, District Surajpur Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Adim Jati Kalyan Thana Surajpur, District Surajpur Chhattisgarh.

**---- Non-applicant**

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For Applicant – Shri A.K. Yadav, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order on Board**

**10-01-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C.

This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 27-07-2017 in connection with Crime No.05/2017 registered at P.S. Adim Jati Kalyan Thana Surajpur, District Surajpur, C.G. for the offence under Section 420 of the IPC and 03(01)(द, घ) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case because of enmity. On the complaint made by the applicant, some cases are being prosecuted against complainant Shobhnath and witness in this case. It is further submitted that the FIR was lodged after lapse of more than 6 months. The applicant is in jail since 27-07-2017. Charge sheet has been filed before the trial Court. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the

application and submission made. It is submitted that there is clear and categorical statement against the applicant for cheating the complainant in this case. Hence, the applicant is not entitled for grant of bail.

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

5. As per the complaint against the applicant, the complainant Shobhnath received compensation of Rs.4,00,000/- subsequent to death of his daughter by accidental fall of branch of a tree from the State Government. It is alleged that on two occasions, at the instigation of the applicant the complainant withdrew the amount of Rs.35,000/- and Rs.1,88,000/-, out of them the applicant has taken away Rs.2,10,000/- from the complainant by inducement, hence this case.

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

7. After overall consideration on the facts and circumstances of this case, I am of this view that the applicant should be benefited with grant of bail during pendency of trial.

8. Consequently, the application (MCRC No.6460/2017) 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