

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2462 of 2018

- Sushanto Sarkar S/o Late Shri Khudiram Sarkar, Aged About 38 Years, R/o- Pawarbila, Police Station- Kundai, District- Navrangpur, (Orisha), District : Navarangapur, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Mana Camp, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Smt. Indira Tripathi, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-05-2018

1. 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 04-02-2018 in connection with Crime No.28/2018 registered at Police Station Mana Camp, District- Raipur, Chhattisgarh for the offence under Section 420 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 04-02-2018. Charge sheet has been filed after completion of the investigation. The case is triable by the JMFC. The delay in lodging the FIR has not been explained by the complainant, hence, case is made out for grant of bail in favour of the applicant. Therefore, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant and complainant Dijendra Vishwas were acquainted with each other. It is alleged that this

applicant gave inducement to the complainant that he has old family shankh (seashell) made of gold which he wants to sell out. After making some test about the presence of gold in the shankh, the same was purchased by the complainant for Rs.16,50,000/-. When the complainant came to know that the shankh sold to him by this applicant was not made of gold and instead of gold, it was an alloy of copper, zinc and cadmium, the complainant made efforts by approaching this applicant for refund of the purchase amount and when the same was not refunded, he has lodged the FIR. Hence, this case.

6. Taking into consideration the facts that presently the case is before the trial Court and there appears to be no criminal antecedent of the applicant, after perusing contents of the case diary, I am of this view that no purpose would be served if the applicant is kept in detention throughout pendency of the trial against him.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge