

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3029 of 2018

- Udayveer Singh @ Babali S/o Shishpal Singh, Aged About 39 Years, R/o Mukundpur, Police Station Mahrouli Delhi, District : New Delhi, Delhi

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Kishore Narayan, Advocate.

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

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

19-06-2018

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 22-09-2016 in connection with Crime No.529/2016 registered at P.S. Civil Line, District Bilaspur, Chhattisgarh for the offence under Section 120, 420/34, 465, 467, 468, 471 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant had no dealing or any transaction with the complainant and neither he was the person who received the amount in this case, nor this applicant had ever visited Bilaspur and met with the complainant. In the written complaint given by the complainant to SHO, Civil Lines, Bilaspur the name of this applicant is not mentioned as one of the accused persons. Similarly, complainant Sanjay Yadav has not made any statement against this applicant in the statement under Section 161 of the Cr.P.C. Hence, no case is made out against him. Therefore, 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 this applicant was a member of the team that has committed

offence of cheating. Further, the court statement of the complainant also discloses that this applicant had interaction with the complainant on telephone regarding the deal which turned out to be fraudulent deal. Hence, no case is made out for grant of bail.

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

5. According to the prosecution case, the complainant approached the Yam Brand (KFC) for obtaining dealership on franchisee through Internet. Co-accused Vishal Rajdan came in contact with him and thereafter some formalities about the inspection of the business, premises etc. were completed, for which, a team of co-accused Vishal Rajdan and others arrived at Bilaspur and visited the spot. On the inducement given by co-accused Vishal Rajdan and others the complainant has made deposit of Rs.79,20,000/- in the bank account of Axis Bank provided by the accused persons. Subsequently, the franchisee to the complainant was denied by the said company, because of which, the FIR has been lodged.

6. Considered on the entire material present in the case diary. This applicant had never visited Bilaspur is clear from the contents of the case diary and main allegation is against Vishal Rajdan and others. For these reasons, I am of this opinion that this is a fit case for grant of regular bail to the applicant.

7. Consequently, this application 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge