

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3095 of 2018**

Rickey @ Harinder Singh Arora S/o Shri Jashwant Arora Aged About 47 Years R/o Shyam Nagar, Indra Chowk, Maharana Pratap Garden, Telibandha, Raipur, Tahsil And District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Telibandha, Raipur, District Raipur Chhattisgarh.

---- Respondent

For the Applicant : Smt. Fouzia Mirza, Advocate.
For the Respondent/State : Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.06.2018**

Heard.

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.134 of 2018, registered at Police Station – Telibandha, District Raipur, Chhattisgarh for the offence punishable under Section 420/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 25.2.2018 and has been falsely implicated in this case. No case is made out against the applicant regarding the offence of cheating as alleged to have been committed by him. According to the allegation, the installment of Rs.4,000/- per month was received by the applicant from the complainant in the year 2007 and a written complaint was given by complainant – Gurjeet

Singh on 24.3.2017. On that basis, FIR has been lodged on 24.2.2018. Earlier also a complaint was filed by some of the subscribers of Sai Kripa Scheme in the year 2015 and in that case the police given a report and the copy of the report is attached with the application as report dated 20.11.2015 and it was clearly stated that the matter is regarding money transaction. Similar is the case of the complainant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is ample evidence that this applicant has committed offence of cheating with the complainant. Hence, the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, this applicant and co-accused – Inderjeet Singh publicized a scheme in the name of Sai Kripa in which they promised the investors that on making a deposit of Rs.4,000/- per month in 20 installments, the subscribers shall in return get a plot of area 1500 sq.ft. The grievance of the complainant in this case is that neither he got the plot nor the money was refunded.

6. After considering on all the aspects of the case and the material present in the case-diary, and also the fact that the charge-sheet has been filed before the concerned Court, I am of the opinion that the applicant in this case deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge