

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4668 of 2018

1. Sunil Yadav S/o Prabhudayal Yadav, Aged About 19 Years, Occupation Agriculture, Caste Yadav, R/o- Village Joramora, P.S. And Tahsil Prithvipur, District- Tikamgarh (M.P.), District : Tikamgarh, Madhya Pradesh
2. Pappu @ Sunil Yadav S/o Shankar Yadav, Aged About 20 Years, Occupation Agriculture, Caste Yadav, R/o- Village Joramora, P.S. & Tahsil Prithvipur, District- Tikamgarh (M.P.), District : Tikamgarh, Madhya Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Sadar Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicants – Shri Shakti Raj Sinha, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-07-2018

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 applicants for grant of regular bail. The applicants have been arrested on 11-05-2018 in connection with Crime No.104/2018 registered at P.S. - Sadar Ambikapur, District- Surguja, Chhattisgarh for the offence under Section 420, 34 of the IPC.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 11-05-2018. No case is made out against them. Charge sheet has been filed after completion of the investigation and there is no material in the charge sheet to prosecute these applicants for the offence as alleged in this case. Hence, it is prayed that the applicants may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, the complainant received a call on his mobile phone that he has won cash Rs.3 lacs and one motorcycle. Later on, he again received a call on mobile phone in which caller introduced himself as income tax officer and asked him to make deposit of Rs.95,600/- in account number given by him in which the complainant made deposit accordingly. Later on, he came to know about the fraud committed and then he lodged the FIR. During the investigation co-accused Ashish Yadav was arrested and interrogated, he has disclosed the name of these applicants as his associates.

6. Considered on the entire material present in the case diary. There is recovery of only cash from both the applicants, hence, after due consideration on the evidence present in the case diary against these applicants, I am of this view that these applicants should be granted regular bail.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge