

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5337 of 2018

- Ashish Yadav S/o Shri Ganesh Yadav Aged About 25 Years
Occupation Agriculture, R/o Village Govapurvi, Post Chaumo, P.
S. Prithvipur, District Tikamgarh M. P.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Sadar Ambikapur, District Surguja Chhattisgarh

---- Respondent

For Applicant : Shri Shakti Raj Sinha, Advocate.

For Respondent/State : Shri Anil Pandey, Government Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

20/08/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 104/2018, registered at Police Station Sadar Ambikapur District Surguja (C.G.) for the offence punishable under Section 420 read with Section 34 of the IPC.
2. As per the prosecution story, the complainant received a call on his mobile phone on 03-01-2018 stating that he has won Rs. 3,000,00/- as well as a motor cycle. Later on, he has again received a call on his 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. On the basis of said FIR offence has been registered and the applicant has been arrested on 11-05-2018.

3. Shri Shakti Raj Sinha, learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case, he is in custody since 11-05-2018 and no *prima facie* case is made out against him. He further submits that the other co-accused namely Sunil Yadav and Pappu @ Sunil Yadav have already granted benefit of bail by this Court vide order dated 24-07-2018 passed in MCRC No. 4668/2018 and the charge-sheet has already been filed and trial will likely to take some time, therefore, applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the applicant is in custody since 11-05-2018, other co-accused Sunil Yadav and Pappu @ Sunil Yadav have already been granted bail by this Court and the charge-sheet has already been filed and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.

8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)

Judge

Shubham