

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5804 of 2018

Gaurishankar Patel S/o Sunder Lal Patel, aged about 33 years R/o Village-Tarkela, Tahsil and District- Raigarh, (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through District Magistrate, Raigarh, Police Station Pusour, District- Raigarh (C.G.).

---- Respondent

For Applicant	:	Mr. Rajesh Jain, Advocate
For Respondent	:	Mr. Anil Pandey, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

19/09/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 77/2018 registered at Police Station-Pusour, District- Raigarh (C.G.) for the offence punishable under Section 420 of the IPC and Section 66 C of the I.T. Act.
2. As per prosecution story, complainant- Tara Bai R/o Village- Pusalda, got an amount of Rs. 48000/- in her account under the Prime Minister Awas Yojna for construction of house. The applicant helped her for some construction work and thereafter obtained her ATM Card and withdrew Rs. 48000/- from her amount. It is also alleged that the complainant also gave him Rs. 20,000/- to the applicant for depositing the same in her account, which the applicant did not do. Thereafter, the applicant refused to construct her house and also refused to return the money to her. The matter was reported by her and offence has been registered. The applicant has been taken into custody on

27/05/2018.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that there had a talk between the complainant and the applicant for construction of house, and for which purpose the applicant had taken money from her. The applicant constructed the said house to the extent which was possible to be constructed with the amount available. Which the applicant, later on, informed to the complainant. The applicant has not played any fraud with the complainant. He further submits that the dispute is of civil nature. The applicant is in custody since 27/05/2018 and charge-sheet has been filed, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the applicant is in custody since 27/05/2018 and charge-sheet has already been filed, without further commenting on merits 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