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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7865 of 2017

- Sahiba Singh @ Sabba Singh S/o Late Sundarlal, Aged About 28 Years, R/o Village Kothindol, Police Station Kothi, District Satna (M.P.) Presently Residing At Birla Road, Badaieyatola, Telephone Colony, Sindhi Campus Colony, 3-2, Room No. 02, Ward No. 20, Kolgawa, Police Station Kolgawa, District Satna (M.P.), Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Surajpur, District Surajpur Chhattisgarh , Chhattisgarh

---- Non-applicant

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-03-2018

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 30-03-2017 in connection with Crime No.15/2015 registered at P.S. Surajpur, District Surajpur, Chhattisgarh for the offence under Section 419, 420, 468, 120(B) of the IPC and Section 66(D) of Information Technology Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case only for the reason that some amount has been deposited in his account by the complainant, for which no inducement was given by this applicant to deposit the amount in his account. The applicant is in jail since 30-03-2017. He is ready to abide by all the conditions to be imposed on grant of bail. Hence, 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 the applicant is one out of the four accused persons who have induced and cheated the complainant and received Rs.7,93,000/- in

various accounts. Hence, the applicant is not entitled for grant of bail.

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

5. Complainant Chainsay received a call on his mobile by some Raj Singhaniya who projected himself as an agent of Airtel mobile company and informed that through a lucky draw the complainant has won cash Rs.25,00,000/- along with one four wheeler. The complainant was informed that to get the prize of lucky draw, he has to deposit some amount and in the accounts details given of this applicant and others, total amount of Rs.7,93,000/- was deposited by the complainant. The amount of Rs.20,000/- only was deposited in the account of this applicant. When the complainant found that he has been cheated, he lodged the FIR and thereafter on the basis of the bank account details this applicant has been arrested. Hence, this case.

6. Considered on the submissions made and contents of the case diary.

7. As the charge sheet has already been filed and the remaining accused persons who appear to be the main accused persons are still absconding and also looking to the evidence against this applicant and the evidence that is proposed against him for trial of charges against him, I am of this view that this applicant should benefited with grant of regular bail during pendency of the trial against him.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil