

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8146 of 2017

1. Sagar Das, S/o Rameshwar Das, Aged About 32 Years, Caste Panika, R/o Purana Bazar, Dallirajhara, Thana Dallirajhara, Tahsil Dondi, District Balod Chhattisgarh, Chhattisgarh
2. Dinesh Das, S/o Rameshwar Das, Aged About 25 Years, Caste Panika, R/o Purana Bazar, Dallirajhara, Thana Dallirajhara, Tahsil Dondi, District Balod Chhattisgarh, District : Balod, Chhattisgarh

---- Applicants

Versus

- The State Of Chhattisgarh Through Police Station Bhanupratappur, District U. B. Kanker Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicants – Shri Parag Kotecha, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-03-2018

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 applicants for grant of regular bail. The applicants have been arrested on 16-10-2017 in connection with Crime No.103/2017 registered at P.S. Bhanupratappur, District U. B. Kanker, Chhattisgarh for the offence under Section 376, 494, 419, 109 read with Section 34 of the IPC.

2. It is submitted on behalf of the applicants, that the applicants have been falsely implicated in this case. No case is made out against them on the basis of material present in the charge sheet filed against them. The applicants are in jail since 16-10-2017. They are local resident of District Balod, C.G. and ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicants may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that both the applicants are the persons who have committed fraud by falsely introducing co-accused Balmukund Das as Manish Das

Manikpuri, who, in turn, won the confidence of the prosecutrix and married her, although he was already married. Hence, the applicants are not entitled for grant of bail.

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

5. As the case is, in the year 2013, the prosecutrix was introduced by both these applicants to a person by name Manish Das Manikpuri. The prosecutrix and said Manish Das Manikpuri came in contact with each other and thereafter they performed a notarized marriage and on that basis both developed physical relationship. In the year 2017 the prosecutrix came to know that the person whom she believes to be Manish Das Manikpuri is actually Balmukund Das, who is already married and has two children, hence, finding the offence of fraud and cheating committed with her, she has lodged the FIR.

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

7. Considered on the entire material present in the charge sheet. As the case is before the trial Court, allegation against these applicants is only to the extent that they introduced a person with a fake name, and also looking to this fact that the trial against them is likely to take some time before its conclusion, I am of this view that the applicants deserve to be granted bail.

8. 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 each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge