

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2909 of 2019**

G. V. N. Murty S/o Lt. G. Kameshwar Rao Aged About 42 Years R/o MIG-335, Hudko, Bhilai, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Sector-6, Bhilai Nagar, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri B.P. Singh, Advocate.
For the Respondent/State : Shri Subhash Yadav, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.07.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.298 of 2018, registered at Police Station – Sector-6, Bhilai Nagar, District – Durg, Chhattisgarh for the offence punishable under Sections 420 and 406 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.12.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. In fact, there had been a simple transaction between the applicant and the complainant in which the applicant had

obtained money from the complainant on the basis of a written agreement dated 2.5.2012 and thereafter, the applicant has received some amount from the complainant through cheque which was by way of loan. The applicant had made some refund. He was unable to make refund of the remaining amount because of which, a complaint has been filed under Section 138 of the Negotiable Instruments Act which is pending against this applicant. After a lapse of about 6 years, the FIR has been lodged making false allegations against the applicant. The applicant is a Bhilai Steel Plant employee. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that huge amount has been cheated and defrauded the complainant by the applicant and he has been benefited with huge amount. Hence, the applicant is not entitled for grant of regular bail.

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

5. According to the prosecution case, the applicant gave inducement to complainant – Mukta Banchor that by using his influence he can arrange a shop allotted in favour of the complainant. Thereafter, on pretext of making deposit in the account of Bhilai Steel Plant the applicant has through various blank cheques received Rs.32,19,000/- from the complainant. Later on, the complainant came to know that the applicant has not made any deposit in the account of Bhilai Steel Plant and the cheques have been used as self cheques to withdraw the amount from the account of the complainant.

Thereafter, the applicant kept giving assurances to the complainant to make refund of the amount but the applicant has not refunded the amount so far therefore, the FIR has been lodged.

6. Considered the contents of the case-diary and also perused the agreement and also the reports of the bank submitted. The case is before the trial Court and the conclusion of the trial is likely to take some time for its final disposal against the applicant. The applicant is an employee of the Bhilai Steel Plant. Hence, for these reasons, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge