

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3638 of 2019

- Pando @ Ramsundar, S/o Ratan, Aged About 45 Years, Caste-Pando, R/o Village Karri, Police Station Raghunathnagar, Tahsil Wardrafnagar, District-Balrampur-Ramanjuganj, Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh through Police Station Sitapur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	:	Mr. A.K. Prasad, Advocate.
For Respondent	:	Mr. Subhash Yadav, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

29/07/2019

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.164/2018 registered at Police Station– Sitapur District– Surguja(C.G.) for the offence punishable under Sections 420, 507, 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 5.11.2018. No case is made out against him. The allegation is mainly against co-accused Ramesh because he was the person who gave inducement for sale of gold biscuit and has received the amount from the complainant, in which, this applicant had no participation, hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant was in company of the main accused, therefore, he had common intention in the commission of offence, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged the main accused Ramesh gave inducement to the complainant, that he is in possession of gold biscuit which is for sale. On the inducement given, the complainant made a payment of Rs.3,50,00/- and purchased a gold biscuit which was later on found to be a fake. Hence, this case.
6. Considering the evidence which shows that this applicant was in company of the main accused only on the last moment when the exchange of money and gold biscuit have taken place, and there is nothing against this applicant. He was not the person who gave inducement and who received the amount, for these reasons, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge