

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.4695 of 2019**

Balram, son of Sudhu Turi, aged about 45 years, R/o village Maghetoli,
Chowki Aara, Police Station Jashpur, District Jashpur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Jashpur, District Jashpur
(CG).

---- Non-applicant

For Applicant	: Mr. A.K. Prasad, Advocate.
For Non-applicant/State	: Mr. Dinesh Kumar Tiwari, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.09.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.77/2018 registered in Police Station Jashpur, District Jashpur for the offence punishable under Section 420 of Indian Penal Code.
3. Prosecution story in brief is that in the year of 2008, the applicant obtained signature of complainant Ramesh Singh on some papers saying that he will get loan of Rs.50,000/- for digging bore from Punjab National Bank, Jashpur. Thereafter, the said complainant came to know that the applicant has cheated him and withdrawn Rs.50,000/- from his account with co-accused Melu Ram Karamveer, who was the Branch Manager.
4. Counsel for the applicant submitted that the applicant is an innocent and has been falsely implicated in the present case. He further submitted that all the documents have been executed in the Bank and co-accused Melu Ram Karamveer has been released on anticipatory bail by co-ordinate bench of this Court. In support, he drew my attention on order dated 09.08.2019 passed by co-ordinate bench of this Court in M.Cr.C. No.1209/2019 and as such the applicant may be released on

bail.

5. Counsel for the State opposed the bail application. He further submitted that one criminal case of similar type has been registered against the applicant.
6. The case of the applicant is not identical to the case of the co-accused Melu Ram Karamveer, who was released on anticipatory bail by co-ordinate bench of this Court. The case of applicant is more sever than the case of co-accused Melu Ram Karamveer. Thus, the applicant does not get any help from the order passed by co-ordinate bench of this Court in the matter of **Melu Ram Karamveer** (supra).
7. Looking to the above mentioned facts and circumstances of the case, looking to this fact that the cheated amount is Rs.50,000/- only, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant. Accordingly, the bail application is allowed.
8. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the like sum of Rs.50,000/- to the satisfaction of the concerned Court with the condition that he shall appear before the concerned Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he shall not commit any such type of offence in future.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-