

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5345 of 2019

Sanjiv Mandal, S/o. Shambhulal, Aged About 35 Years, R/o. Village Bari Bhagiyamanri, Prakhand- Talijhari, Post Sakrigali, Sarkribazar, Sakrigali Ghat, Sahebganj, Jharkhand.

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station Pakhanjor, District- U.B. Kanker, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Parag Kotecha, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/09/2019

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.174/2018, registered at Police Station – Pakhanjor, District – U.B. Kanker (C.G.) for the offence punishable under Section 420, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 03.04.2019. No case is made out against the applicant. The money was deposited in the account of the wife of this applicant, whereas she has been granted bail by the trial Court. Further there is

no evidence to show that this applicant had given inducement to the complainant and the mobile number also is not traceable in his name. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. Firstly it is submitted that the applicant is resident of Jharkhand. Secondly, there is evidence of witness recorded under Section 161 of Cr.P.C., who happens to be the brother of this applicant, who had stated that this applicant used his mobile number, which has been traced in the investigation. Further one of the mobile number is found to be registered in the name of this applicant, which was used for giving inducement of the complainant. Hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, complainant Priyanka Bairagi received a phone call on her mobile phone from the unknown caller, in which inducement was given that he can get her appointed in the Airlines and getting induced the complainant made deposit of Rs.2.60 lakhs in the account number given. After lodging of FIR, during the investigation it was found that, the account number was in the name of the wife of the applicant and there is also evidence present that this applicant was the caller on mobile phone. After considering the facts and circumstances of the case and also for the reason that the applicant is resident of other State, this Court is of the opinion that

present is not a fit case, in which, the applicant should be enlarged on regular bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram