

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8064 of 2018**

Praveer Kumar Mukherjee S/o R.N. Mukherjee, aged about 35 years R/o Bangali Colony Bhatapara, Thana Bhatapara (City), District Baloda Bazar, Bhatapara (C.G.)

--- Applicant**Versus**

State of Chhattisgarh, Through the Police Station House Officer- Thana, Bhatapara (City), Distt. Baloda Bazar- Bhatapara (C.G.)

---- Respondent

For Applicant	:	Mr. Deepak Jain, Advocate
For Respondent	:	Mr. R.K. Jaiswal, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**02/01/2019**

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 380/2017 registered at Police Station Bhatapara (City) Distt. Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 420/34 of the IPC.
2. As per prosecution story, the Applicant gave inducement to the Complainant B.L. Gohil that he has connections with the companies marketing vehicles and he can get them vehicles on discounts for which he received amounts in advance from the Complainant through his son and also received amounts from other persons. It is further alleged that on the date of delivery of the vehicle no such delivery was made. The Complainant and other persons approached the Applicant and co-accused Mahesh Mahto for demanding refund of their amount.

It was further alleged that both of them i.e. the Applicant and co-accused Mahesh made some refund through cheques to the Complainant and others, but the said cheques got dishonored. Thereafter, FIR was made by the Complainant. On the basis of said, offence has been registered. The Applicant has been taken into custody on 13/09/2018.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated. There is nothing on record which shows that any amount has been received by the Applicant from anyone. He further submits that earlier a complaint was made by one Mohan Sahu, friend of the Applicant in Police Station Old Bhilai and on that basis offence under Sections 392 & 365 IPC have been registered against the son of the Complainant. It is a counter blast of that and a false report has been lodged against the Applicant. He further submits that the Applicant is in custody 13/09/2018, charge-sheet has been filed and other co-accused persons namely Praveer Kumar Mukherjee and Mahesh Mahto have already been granted benefit of anticipatory bail vide order dated 13/04/2018 passed in MCRC No. 76/2018, therefore, the Applicant may also be released on bail.
4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the Applicant is in custody since 13/09/2018, charge-sheet has been filed and other co-accused persons have been granted

benefit of anticipatory bail, without further commenting on merit of the case, I am inclined to release the Applicant on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul