

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 10065 of 2018**

1. Chandan Kumar, S/o Chaqndrashekhar Prasad Aged About 24 Years (Wrongly Mentioned In Impugned Order As Chandeshwar Prasad) R/o Chhaajarsi Colony, Noida, Sector-63, Goutam Buddha Nagar Police Station Sector-71 Noida U. P.
2. Prabhudayal S/o Horaam Singh Aged About 23 Years R/o H. No. 62, Village Bulaapur, Police Station Pali, Mukimpur, District Aligarh, U. P.
3. Ankit S/o Vishnu @ Kishan Aged About 22 Years R/o Baroula, Sector-49, H. No. 211, Ambedkar Gali, Police Station - Sector-49, District Goutam Buddha Nagar, Noida U. P.
4. Shakti Kumar S/o Ramesh Prashad Khadwal Aged About 19 Years R/o Village Pilui Thana Douthpur, Block Manjhi, Police Station Saran, District Chhapara Bihar. At Present R/o New Delhi, Sakurpur, H. No. N-56, Police Station Sakurpur, District New Delhi.

---- Applicants**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Pandri, District Raipur, Chhattisgarh

---- Respondent

For applicants	Mrs. Sushmita Jha, Advocate.
For Respondent/State	Mr. A.N. Bhakta, Dy. Adv. General.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****1-2-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
2. The applicants have been arrested in connection with Crime No. 375/2018 registered in police station Pandri, Distt. Raipur (CG) for offence punishable under Section 420, 34 of the IPC.
3. Prosecution story in brief is that on 7-4-2018, complainant Derharam Sahu received a telephonic call in his mobile from mobile No. 9711719305. The caller told him that he is sales executive of Get Easy Finance Company and proposed him to take loan of one lac rupees easily. Complainant sent him images

of Adhar card, cancelled cheque, PAN card and other particulars through Whatsapp. Thereafter he deposited different amount in different account as said by the caller. He had also given him his ATM card number. During investigation it was found that the applicants had obtained Rs. 68,025/- from the complainant and cheated him. As per true copy of the application filed under Section 320(2) and 320(8) of the Cr.P.C., it has been mentioned that said complainant had compromised the matter with all four applicants. These applications are part of the bail applications. In the certified copy of the order of Special Judge of Special Court for trial of CBI cases, Raipur dated 4-12-2018, fact of compromise has been mentioned. Said complainant was also examined by the JMFC Raipur as Court witness for the application of compounding the matter.

4. Counsel for the applicants argued that the applicants are innocent and falsely implicated hence they be released on bail.
5. On the other hand, the State Counsel opposed the bail application. However, he submits that no criminal antecedent of the applicants is reported in the police case diary.
6. Looking to the above facts and circumstances of the case, and as trial will take its own time, the application is allowed. It is ordered that if each of the applicants furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that they will appear before the concerned trial Court at 11 AM as and when directed till trial, they be released on bail.
7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge