

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2956 of 2020**

- Charlie Magno Franzin S/o Godvin Nawasiway Aged About 40 Years Permanent Address- South Africa Reference Address- 181-D Ward No. 03 T.F. Flat No. 403 Near Mahroli P.S. Mahroli District Delhi. At Present House No. 47/4 Ranjeet Vihar, P.S. Nihal Vihar Outer Delhi.

---- Petitioner**Versus**

- State Of Chhattisgarh Through- P.S.- Civil Line, Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Syed Ishhadil Ali, Advocate
For Respondent	:	Shri Ayaz Naved, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****05/06/2020**

1. Heard.
2. Admit.
3. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.168/2019, registered at Police Station - Civil Line, Raipur, District Raipur (C.G.) for the offence punishable under Sections 420, 419, 201, 34 IPC and Section 66(d) of IT Act.
4. The prosecution story, in brief, is that the complainant was chatting with some random person named Stephen Ward through social networking site and fall in love with him and he assured her that he will take her with him to Ireland by chartered flight and demanded some amount to be incurred for passport, viza and other expenses to which she deposited Rs.12,00,000/- in different accounts and thereby committed cheating. Based on this, offence has been registered. The applicant has been taken into custody on 06.04.2019.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that vide order dated 19.12.2019 passed in MCRC No.7101/2019, co-accused has already been granted bail by this Court. He also submits that the applicant is in custody since 06.04.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
6. On the other hand, learned counsel for the State opposed the bail application.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that co-accused has already been granted bail in MCRC No.7101/2019, the present applicant is in custody since 06.04.2019, charge sheet has been filed and the disposal of case may take some time, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the application is allowed. The applicant is ordered to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then

he will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde