

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4095 of 2020

1. Sher Singh Sethiya S/o Shambhunath Sethiya Aged About 34 Years R/o Village Kurushpal, Post Kohka, Block- Bkawand, District Baster Chhattisgarh.,

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Bhilai Nagar Sector - 6, District Durg, Chhattisgarh.

---- Respondent

For Applicant	Mr. Love Kumar Ramteke, Advocate
For Respondent /State	Ms. Fouzia Mirza, Addl. Adv. General
For Objector	Mr. Hemant Kumar Agrawal,
Advocate	

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

3/9/2020

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.94/2020, registered at Police Station Bhilai Nagar, Sector-6, District Durg (CG), for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.
3. The applicant floated a business concern in the name of Jai Krishak S.S.S. Enterprises and collected an amount to the tune of Rs.16,90,000/- from Prahlad Singh Thakur and further

amount from victims namely; Narayan, Chandel, Jeevan Kumar & Mahendra. Amount paid by Prahlad Singh Thakur was transferred from his UCO Bank Account to the applicant's Axis Bank Account.

4. On 28-8-2020 learned counsel for the applicant had sought time to seek instructions from the applicant or his relatives as to whether the applicant is ready to return the defrauded amount to the complainant. Today Shri Love Kumar Ramteke, learned counsel for the applicant submits, on instructions, that the applicant is ready to return the amount to victims Prahlad Singh Thakur, Narayan, Chandel, Jeevan Kumar & Mahendra.
5. In view of the undertaking and for the fact that the applicant is in jail since 27-2-2020 and the charge sheet has already been on filed, I am of the opinion that present is a fit case to release the applicant on regular bail with the following conditions that :-
 - The applicant shall return the entire amount received from the victims namely; Prahlad Singh Thakur, Narayan, Chandel, Jeevan Kumar & Mahendra before the Court where he will furnish bail papers.
 - The concerned Magistrate accepting the bail papers and issuing release warrant shall record in the order sheet that the applicant has returned the amount in the Court.
 - Receipt of the amount shall be obtained from the victims by the concerned Magistrate.

- The applicant shall execute a personal bond for a sum of Rs.1,00,000/- with two local sureties surety for the like amount to the satisfaction of the trial Court; and
- He shall appear before the trial Court on each and every date given by the said Court.

6. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri