

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 522 of 2021**

- Parvej Aalam, s/o Khurshid Ansari, Aged About 41 Years, Caste Momin, R/o Village Banki Mongra, Tahsil Katghora, District Korba (Chhattisgarh)

---- Appellant**Versus**

- State of Chhattisgarh Through - Station House Officer, Police Station-Kusmunda, District Korba (Chhattisgarh)

---- Respondent

For Applicant	: Shri Ram Kumar Tiwari, Advocate
For Respondent/State	: Shri Sidharth Dubey, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**01.03.2021**

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No.106 of 2018 registered at Police Station Kusmunda, District Korba, (CG) for the offences punishable under Sections 419 and 420 of the IPC.
2. Case of the prosecution, in brief, is that applicant has cheated the complainant stating him to be an employee of Electricity Department and obtained Rs.12,000/- for increasing the load capacity of Electric Meter. During the course of investigation, based on the statement of witnesses, present applicant is arrested in the aforementioned crime.
3. Shri Ram Kumar Tiwari, learned counsel for the present applicant submits that absolutely false allegations have been levelled against applicant, mentioning the date of incident to be of 15.07.2016. There is inordinate delay in lodging FIR ie on 28.04.2018, after about more than one and half years. He submits that there is no other criminal antecedent against present applicant

and he is in jail since 12.12.2020. Offences alleged against the present applicant are triable by the Magistrate and the trial will take some time.

4. Shri Sidharth Dubey, learned Dy Government Advocate for the State controverting the submissions made by learned counsel for the applicant, submits that the complainant has made specific allegations against the present applicant that he impersonated himself to be an employee of Electricity Department and under the pretext of increasing the electricity load, obtained Rs.12,000/- from the complainant. He further points out that as per the statement recorded by other persons, they have made allegations of taking money by the present applicant for different purposes and they were cheated. On a query being made by the Electricity Department, by Investigating Agency it is informed that present applicant is not under their employment. He submits that looking to the material collected by the investigating agency, present applicant is not entitled for the benefit under Section 439 of the Cr.PC.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegations levelled against the applicant; rival submissions made by the parties; date of offence to be of 15.07.2016; the pre-trial detention, offences alleged to be triable by the Magistrate and it will take some time; without commenting on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail upon furnishing a bail bond in the

sum of Rs.10,000/- (Rupees ten thousand) with one surety in the like sum to the satisfaction of Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma