

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 862 of 2021

1. Sundresh Prasad Gupta, S/o Late Nandlal Gupta, Aged About 22 Years, Occupation Student in Polygenic College, R/o Village Bidar, Police Station Dudhi, District : Sonbhadra, Uttar Pradesh.
2. Ashish Kumar Gupta, S/o Dinesh Prasad Gupta, Aged About 20 Years, R/o Village Badhani Nala, Police Station Dudhi, District : Sonbhadra, Uttar Pradesh.

---- Applicants

Versus

- State of Chhattisgarh, Through: The Station House Officer, Police Station Ambikapur Kotwali, District Surguja Chhattisgarh.

---- Non-Applicant

For Applicants	: Shri D.N. Prajapati, Advocate
For Non-Applicant/State	: Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12.03.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested on 17.10.2020 in connection with Crime No.652/2020, at Police Station- Ambikapur Kotwali, District- Surguja (C.G.) for the offence punishable under Section 420/34 of I.P.C.
2. Case of the prosecution, in brief, is that on 15.10.2020, at about 3 to 4 p.m. the applicants came to the T.V. shop and purchased three nos. of T.V. worth Rs. 25540/-, the applicants paid the bill through online payment/Paytm mobile application, at that point of time, due to the bad server of bank the owner of the shop asked

the applicants to send screenshot of the transaction, thereafter, the applicants sent screenshot of transaction to the owner of the shop/complainant and went away. The owner of the shop/complainant when came to know the fact that he was not received the money which was transferred by the applicants, he lodged report against the applicants.

3. Learned counsel for the applicant submits that the allegations against the applicants are false and fabricated, they have been falsely implicated in this case. Counsel for the applicants further submits that the applicants are young offender, the applicant/accused have no criminal antecedents, there is no likelihood of the applicants tempering with the prosecution evidence or absconding, charge-sheet has already been filed, conclusion of the trial is likely to take some time, therefore, at this stage, they may be granted bail.
4. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail and submits that the applicants have one criminal antecedents of similar offence.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, detention period of the applicants, who are 22 and 20 years old, the fact that the applicants have only one criminal antecedents, there is no likelihood of the applicants tempering with the prosecution evidence or absconding as admitted by both the counsel, charge-sheet has already been filed and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
6. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on following conditions:-

(a) they shall not directly or indirectly make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim