

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1409 of 2021**

Suraj Ramteke Son of Sahebrao Ramteke, Aged About 25 Years, R/o Village Sillori, Police Station Saoner, District Nagpur (Maharashtra).

---- Applicant**Versus**

State of Chhattisgarh through The Station House Officer, Police of Police Station Chakarbhatta, District Bilaspur (Chhattisgarh).

---- Non-applicant

For Applicant : Shri Rudranath Mukherjee, Advocate

For Non-applicant/State : Shri Shrikant Kaushik, Panel Lawyer

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**06.07.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 03.12.2020 in connection with Crime No.15 of 2020 registered at Police Station Chakarbhatta, District Bilaspur (C.G.) for commission of offence punishable under Section 420 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 12.01.2020 the complainant during the surfing of mobile phone on OLX App have found one Scorpio vehicle bearing No.CG-18/K/1100 for sale. In the said advertisement, contact number is also given of one Ajay bearing No.9773873844. When the complainant called on the given mobile number, the person who received the call said that he is posted in CISF Nagpur (Maharashtra) and for need of

money, he is selling his vehicle. During the course of discussion, both the parties have agreed for sale consideration of Rs.1,90,000/-. The person who has stated himself as owner of the vehicle had given him PAYTM account number and IFSC code number and asked him to deposit Rs.8,300/- to which the complainant deposited. Ajay told him that he will send the Scorpio vehicle tomorrow. On the next day, applicant was intimated that the vehicle has been proceeded to him with a driver and has given a mobile number of a driver. The said driver asked him to deposit certain amount for completion of formalities and thereafter, again to deposit an amount to which the complainant deposited the same in the account given to him on number of occasions totaling the amount of Rs.1,63,000/-. When he did not receive the vehicle, he felt that he has been cheated and thereafter, the complaint has been lodged to concerned Police Station, based upon which, instant crime has been registered against the present applicant.

3. Shri Rudranath Mukherjee, learned counsel for the applicant submits that present applicant has been falsely implicated in the case and his mobile number do not find place in the call details collected by the Police. He further pointed out that the applicant is in jail since 03.12.2020, the case is triable by the Magistrate, the trial may take some time and the applicant is a young boy, therefore, applicant be enlarged on bail.
4. On the other hand, Shri Shrikant Kaushik, learned State Counsel opposes the prayer for grant of bail and submits that the amount transferred by the complainant is deposited in the bank account of

the present applicant and account details have been seized by the Police during the course of investigation. He further submits that in view of above, present applicant is not entitled for grant of bail at this stage.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, applicant is in jail since 03.12.2020, the case is triable by the Magistrate and the trial may take some time, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.

b) He 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