

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8032 of 2020**

- Bhupendra Singh Ueke S/o Shri Arjun Singh Ueke Aged About 37 Years R/o Gali No. 4, Vivekanand Nagar, Dhamtari, Police Station City Kotwali, District Dhamtari Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Telibandha, District Raipur Chhattisgarh

---- Respondent

For Applicant	:	Ms. Nand Kumari Kashyap, Advocate
For State	:	Shri Shubham Verma, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****29/01/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.378/2020 registered at Police Station – Telibandha, District – Raipur (C.G.) for alleged commission of offences under Section 420 of IPC.
2. Prosecution case is that the applicant collected Rs.10 lakhs from the complainant in the name of arranging three vehicles but later on, no vehicles were arranged for the complainant and in this manner, the applicant cheated the complainant.
3. Learned counsel for the applicant would submit that the allegation against the applicant is false and fabricated and the applicant has not received any such amount. It is submitted that there is only allegation of payment of Rs.5.50 lakhs by the complainant through Paytm and no receipt of payment of Rs.4.50 lakhs have been submitted by the complainant. That means, the complainant unnecessarily harassing the applicant. It is further submitted that investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes prayer and submits that according to the complainant, a total of Rs.10 lakhs were given to the applicant, out of which, Rs.5.50 lakhs were paid by the applicant through Paytm which is duly supported by Paytm details collected during investigation. There is payment of cash of Rs.4.50 lakhs which has been categorically stated by the complainant in the FIR and diary statement.

5. Taking into consideration the submission of learned counsel for the parties, particularly considering that proof of payment of Rs.5.50 lakhs has been collected but there is no cash receipt or any acknowledgment of payment of cash of Rs.4.50 lakhs and that investigation is complete, charge sheet has been filed and the applicant is in jail since 16/10/2020, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge