

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8196 of 2021

James Prashanth S/o J.M. Winston, Aged About 42 Years, Residing At No. 513 Paras Mallige, 6th Cross, Ananth Nagar Layout, Huskur Nagar, Electronic City Post, Bangalore, (Karnataka) 560100.

---- Applicant

Versus

State of Chhattisgarh, Through - The Police Station Kotwali, At Jagdalpur District Bastar, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Mohd Shakeb, Advocate with Mr. AL Singroul, Advocate.
For State	: Mr. Sudhir Sahu, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

07/12/2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.205/2021, registered at Police Station -Kotwali, At Jagdalpur District Bastar, (C.G.), for commission of offence punishable under Sections 376, 506 & 420 of IPC.
2. Case of prosecution is that on 08.07.2020 prosecutrix lodged a report mentioning therein that she came in contact with applicant through matrimonial site. Applicant informed her that he is a divorcée and he will keep her in flat at Bangalore. The relationship continued for considerable period, during that period applicant established physical relationship with her, also taken money from her amounting to Rs.7-8 lakhs stating reasons that he wanted to purchase a flat at Bangalore. The amount was transferred in account of applicant through 'google pay' by prosecutrix. When prosecutrix intimated fact of relationship with applicant to her friend, she informed her that applicant is a married person having his wife at Bangalore. Prosecutrix tried to clarified this fact, upon which applicant shown document of his divorce with earlier wife. Subsequently, it revealed that said document was forged. Based upon complaint, aforementioned crime was registered against applicant and he was arrested on 03.08.2021.

3. Learned counsel for applicant submits that absolutely false and fabricated allegations has been levelled against applicant. Applicant and prosecutrix were known to each other. She gave money to applicant for its investment in shares, applicant has invested said money in shares, but due to sudden fall of share market, invested amount lost its value. The false allegation is levelled to get back the money from applicant. Prosecutrix is a matured divorced lady aged about 41 years. There is contradictory allegations levelled by prosecutrix against applicant. At one time, she stated that applicant has shown divorce document to her and in another statement she stated that applicant assured her to show document of divorce from his first wife. Applicant is in jail since 03.08.21, hence, he may be released on bail.
4. Learned State Counsel opposes the submission made by learned counsel for the applicant and submits that applicant established physical relationship with prosecutrix by narrating false fact that he will marry her, as he also a divorced man. As per allegation, applicant was not a divorcee but he is having his spouse living alongwith him. Applicant grabbed Rs.10,36,200/- on false pretext of purchasing flat at Bangalore. Transfer of money is appearing from bank statement of prosecutrix. Allegations are serious in nature, hence, he is not entitled for grant of bail.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, prosecutrix is a matured divorced lady aged about 41 years, allegation in FIR as well as contents of statement of prosecutrix recorded under Section 164 of Cr.P.C, submissions of learned counsel for the parties, without commenting anything on merits of the case, I am inclined to allow this application.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of Court on the conditions

that-

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

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-