NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3157 of 2015

- Resh Kumar Dewangan, S/o Ram Singh Dewangan, Aged about 30 years, R/o Dewangan Furniture Mart, Adarsh Nagar, Borsi Road, Durg, Police Station Durg, Tahsil & District Durg (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through: District Magistrate, Durg Distt. Durg (C.G.)

---- Non-applicant

For Applicant: Mrs. Fouzia Mirza, Advocate.
For Respondent/State: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/08/2015

Heard.

(1) This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.1007/2011 registered at Police Station Supela, Distt. Durg, for the offences punishable under Sections 420, 467, 468 & 471/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that one Mr. Gayaprasad had invested an amount of Rs.5,20,000/- with the State Bank of India, in SBI Mutual Fund, Bhilai Branch. However, present applicant projecting himself to be Gayaprasad opened bank account with the HDFC Bank, Raipur and IDBI Bank, Bhilai and, thereafter, got the amount transferred from SBI Mutual Fund, Bhilai to HDFC Bank, Raipur and withdrew the amount from the HDFC Bank, Raipur and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the offence in question as the documents in question, particularly, account opening form was sent to hand writing expert and the report indicates that applicant has not signed on those documents. She further submits that that one Mratunjay has identified the applicant in the Test Identification Parade conducted in the year 2015 whereas incident had taken place in the year 2008, which does not inspire confidence to be relied upon; applicant is in jail since 20.02.2015; ;charge sheet has already been filed and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that not only Mratunjay but one K. Nagraj, who had opened the account with IDBI Bank, has also identified the present applicant, and, as such, hand writing expert report has supported the case of the prosecution.

(5) Taking into consideration the facts & circumstances of the case; looking to the nature & gravity of the offence and the manner in which applicant impersonating himself opened fake bank account in the name of Gayaprasad with the HDFC Bank, Raipur & IDBI Bank, Bhilai and got the amount transferred in his account and withdrew that amount; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-