

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6732 of 2015

1. Pawan Kumar S/o Motiwar Paswan, Aged About 22 Years R/o House No. 36, Awas Vikas Colony, Kudaghat Gorakhpur At Present 202, AT 5 Sector Indirapuram, Gaziabad, (U.P.)
2. Navin Kumar S/o Mahesh Prasad Singh R/o Lohgir, P.S. Usiyarpur, Distt. Samstipur, Bihar, 174 A T 5 Sector Indirapuram Gaziabad (U.P.)

---- Applicants

Versus

State Of Chhattisgarh Through S.H.O., P.S. Kawardha, Distt. Kabirdham, Chhattisgarh.

---- Respondent

For Applicants	:-	Mr. Ajay Ayachi, Advocate
For Respondent/State	:-	Mr. Anil S. Pandey, G.A.
For Objector	:-	Mr. Sunil Sahu, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/12/2015

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 applicant who has been arrested in connection with Crime No. 346/2015 registered at Police Station – Kawardha, District- Kabirdham (C.G.) for the offence punishable under Sections 420, 34 of IPC.
2. As per the prosecution case, in the month of January 2015 the complainant Ramesh Kumar Chandravanshi received a phone call on his mobile, the person calling him on his mobile still provide the loan and insurance therefore, he was convinced and as such the complainant has opened an account and initially the money was transferred through value added card and subsequently on the assurance loan would be granted and

further the insurance was to be provided and on the different dates the installment of money was required and approximately total Rs. 9,04,650/- was deposited. Therefore, the offence is committed.

3. Counsel for the applicant submits that the applicants are innocent and they have been falsely implicated in this case and neither there is any evidence against them so as to implicate them in the alleged crime nor any activity has been done and they have been arrested from Gaziabad (U.P.) and the reasons best known to the prosecution and the applicants are in jail since 10.11.2015 and no evidence is available against them.
4. Counsel for the state as well as the objector vehemently opposes the prayer for grant of bail and submits that on the false assurance to provide loan and insurance different amount of installments were paid to the applicants and other co-accused. The call which was received by the complainant was by these applicants for which the investigation is still going on and they have committed atrocated crime and therefore, they should not be enlarged on bail
5. Perused the case diary. Having regard to the fact and the installments were paid by way of value added card and the way the offence has been committed it appears that the motive and the intention of commission of offence prima facie exists and it appears that the offence is made out with all motivated acts. Further considering the fact that the investigation is still going on and the nature of offence committed by the applicants, this Court is not inclined to release the applicants on bail.

6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Santosh