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HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5537 of 2016

1. Gaurav Shrivastav, aged about 35 years, S/o. Shri Ashok Shrivastav, R/o. 08, Adarsh Marg, Sarvoday Nagar, Indira Nagar, Police Station Gaajipur, District – Lakhnau (Uttar Pradesh).

----Applicant

Versus

1. State of Chhattisgarh, Through : the District – Magistrate, Rajnandgaon (C.G.)

---- Respondent

For Applicant	: Mr. P.K.C. Tiwari, Sr. Advocate with Mr. Kripesh G. Kela, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/09/2016

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.128/2016, registered at Police Station – Khairagarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 420, 120-B and 34 of the Indian Penal Code, 1860.
2. As per prosecution case, the applicant allured the complainant, Ajay Kumar Surana to get amount with higher interest in the insurance transferred in different accounts on instructions of phone call. One of the account was of Prudential Services India Limited, which was owned by the present applicant in such account a cheque was also deposited. Subsequently, the amount was withdrawn and total amount was found to be more than Rs.13.00 lakhs. It is alleged, the

amount was deposited at the instance of the other co-accused and in connivance and conspiracy of this accused. Subsequently it was found to be fake.

3. Learned counsel for the applicant submits that only on the inculpatory statement of present applicant, he has been arrested and such evidence can not be admissible and acted upon in the Court and there is a considerable delay has been caused in lodging the FIR. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 10.06.2016, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of Bijendra Singh, Branch Manager, Main Branch, Indian Bank, Lucknow, Manoj Kumar, Branch Manager, Indian Bank Indira Nagar Branch, Lucknow and Ku. Pooja Singh, Manager, Indian Bank New Delhi, which shows that part of the amounts which were deposited with Prudential India Services and the said account was owned by the present applicant. Considering the way the organized offence has been committed, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge