

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3965 of 2016

Prabhakar Kumhare, S/o. Shyam Rao, Aged About 50 Years, R/o. Sri Sai Taj Apartment, Dighori Chowk, Umrid Road, P.S. Nandanvan, Nagpur (Maharashtra).

Note : In the rejection order, the address of the applicant has only been mentioned as Nagpur.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Chowki Hardi Bazar, P.S. Kusmunda, Distt. Korba, Chhattisgarh.

Note : In the rejection order, only Police Chowki Hardi Bazar has been mentioned.

---- Respondent

For Applicant : Mr. B.D.Guru, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

For Objector : Ms. Sonia Kuldeep, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.71/2016 registered at Police Chowki Hardi Bazar, Police Station- Kusmunda, District Korba (C.G.) for the offence punishable under Section 420 & 406 read with Section 34 of Indian Penal Code.
2. As per the prosecution case, a report was made by Ramkumar Rathod that on the allurements of the applicant and other co-accused, he had invested an amount of Rs.59 Lakhs and the amount was deposited in different accounts as it was assured that the amount would be doubled within a period of seven months. It was stated that out of the deposited amount of Rs.59 Lakhs, the

complainant was to get more than Rs. 77 Lakhs and since the amount has not been given, the report was made.

3. Learned counsel for the applicant would submit that the money was deposited in two accounts for the business purpose i.e. on the account of Smart Vision Fishery Mart and one Globus Trade & Alliance and the applicant is the proprietor of Globus Trade & Alliance. It is submitted that the account which has been placed on record would show that the applicant has deposited Rs.30,27,250/- and more than Rs.36 Lakhs were returned. Therefore, no offence virtually has been committed by the applicant and it is the business transaction, which would be evident from the report of the applicant and in order to arm twisting method, the report has been made. He further submits that the charge sheet in this case has been filed, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel and learned counsel for the objector opposes the prayer for grant of bail. The counsel for the objector further submits that the applicant was allured to deposit the amount in the business with an assurance to return the same within a period of seven months with a high interest, however, the same having not been done, the offence has been committed; therefore, the applicant may not be released on bail.
5. Perused the case diary and the documents as also the statement of the witnesses. The documents primary which is on record shows that the amount of Rs.30,27,250/- was accepted and against that an amount of Rs.36,30,000/- was returned. Perusal of the report also shows that investment was made in the business. Considering the nature of transaction in between the parties and the fact that the charge sheet in this case has been filed and further considering the

fact that Rs.36,30,000/- prima faice appears to have been returned,
I am inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok