

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 1401 /2016

Kalketu Singh, S/o. Mithilesh Singh, Aged About 33 Years, R/o. C/199/3,
Second Floor, Jeevan Park, Uttam Nagar, New Delhi.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- City
Kotwali, Dhamtari, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajeev Shrivastava, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.03.2016

1. This is the second 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.206/2015 registered at Police Station– City Kotwali, Dhamtari, District Dhamtari (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code.
2. As per the prosecution case, complaint was lodged by one Devendra Singh Thakur that he received phone call on his mobile No.9770144449 from one S.P. Tiwari bearing mobile No.8130313103, from one R.K. Gupta bearing mobile No. 9971583563 and from one Kritika 9599437597 with an offer that if the complainant deposits certain amount in a bank account given by them the same would be returned with double the amount within a short period of time. Accordingly, the complainant deposited amount in the account which was bearing No. 21610100008396 at Bank of Baroda at Aligarh as advised on phone. The total amount

of Rs.26,15,944/- was deposited in installment. Thereafter, the amount when was not returned from period 20/04/2015 up till 11/07/2015, subsequently the mobile number wherefrom the complainant received the call were found to be not responding. Consequently, complainant went to Delhi and enquired and report was made. On enquiry, it was revealed that account was maintained in the name of AHSWS i.e. Alhamd Social Welfare Society of Aligarh and further on the basis of phone call and locations few of the applicant arrested and thereafter on memorandum it revealed that different accounts in different names were maintained in Bank of Baroda, Aligarh (UP), SBI Aligarh (UP), Punjab National Bank, Aligarh (UP), City Services Allahabad Bank Noida, Bank of India Sector 50 Noida and such accounts were opened in the name of Life Care, HDFC Noida, Delhi, Capital Solution ICICI Bank Narayana Delhi and Aman Services HDFC Gwalior. It further revealed on memorandum that on the basis of forged ID account were opened by the applicants and thereby offence is committed.

3. Learned counsel for the applicant would submit that the complainant Devendra Singh Thakur in this case has been examined and he has not stated anything against the applicant and the applicant is in pre-trial detention since 30.07.2015 and the offence is triable by JMFC, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that it is an organized crime wherein the applicant was also the beneficiary. He further submits that since the crime was committed by calling the persons over the phone and the money was deposited, therefore, it was not possible to identify this applicant and the appreciation of evidence cannot be made on the

basis of the statement of the complainant alone. He further submits that as many as 20 witnesses are listed out of which only 3 witnesses are examined.

5. The earlier bail application was rejected on merit on 10.12.2015 and the complainant Devendra Singh Thakur has been examined. Reading of the statement would show that the money was deposited in the Bank by making phone calls wherein the other witnesses have stated the nexus of this applicant. Reading the evidence collectively, at this stage, it cannot be conclusively held that the applicant was not involved in the crime.
6. Taking into the way the organized crime has been committed, there is no change of circumstances appears to exist after rejection of earlier bail application on 10.12.2015, therefore, 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