

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1633 of 2016

Dharmendra Sao, S/o Shobha Ram Sao, aged about 42 years, R/o
Bansula, Teh. Basna, Mahasamund, District Mahasamund (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police
Station Basna, District Mahasamund (C.G.)

---- Non-applicant

For Applicant:	Mr. M.D. Dhote, Advocate.
For Non-applicant:	Mr. Dheeraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/04/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.390/2015, registered at Police Station Basna, Distt. Mahasamund, for the offence punishable under Sections 420 of the IPC; 4, 5 and 9 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.
2. Case of the prosecution, in brief, is that complainant Om Prakash Tripathi deposited Rs.15 lakhs in M/s. Sai Prasad Properties Limited, the applicant stood as guarantor and executed agreement in favour of the complainant to repay the amount, if the Company fails to repay.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. This is a civil dispute between the parties, no criminal liability is made out against the applicant and the amount deposited was with the Company. The applicant is in jail since 21-12-2015 and charge-

sheet has been filed.

4. On the other hand, learned State counsel would oppose the application and would submit that the applicant stood as guarantor, therefore, he is liable and the applicant also cheated the complainant.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, role of the applicant in the offence in question, the manner in which the applicant got deposited Rs.15 lakhs with the said Company giving false promise to return and material available in the case diary, I do not consider it a fit case for grant of bail. The application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma