

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2506 of 2016

Vinay Kumar Gupta, S/o. Late Krishnachandra Gupta, Aged About 53 Years, Occupation- Advocate, R/o. Village, Post Loing, P.S. Chakradharnagar, Tahsil & District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Chakradharnagar, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendra Bhardwaj, Advocate

For Respondent : Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/06/2016

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.435/2015 registered at Police Station- Chakradharnagar, District Raigarh (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant received Rs.1,40,000/- from the complainant Sulochna Mehar, who is a widow lady, to get the land partitioned, however, the same was not done. Thereby, the offence has been committed and the report was made.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated and the applicant has not received any amount. He further submits that the incident is said to be on

21.07.2012 and the FIR was lodged on 24.02.2016, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement. The case diary also contains various newspaper cutting wherein to the credit of the applicant, it is shown that the applicant has deceived in the like nature to the public at large. The case diary shows that against the applicant in the year 2012 similar like nature of offence under Section 420 was registered and in 2006-07 another case of 420 was registered and in 2015 another case in Police Station Pusaur was registered. Considering the facts and the way the applicant has deceived the widow lady and has taken away the amount, considering the documents of the case diary and prima facie considering the background and past antecedents of the applicant, if the applicant is released on bail, tempering of evidence cannot be ruled out as the complainant cannot be placed at par with that of the applicant, therefore, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge