

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3878 of 2016

Ravendra Kumar Dubey @ Raghvendra Dubey, S/o. Rajbhan Dubey,
Aged About 34 Years, R/o. Village Chhotejhumar Para, Police Station
Patna, Tahsil Baikunthpur, District Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Baikunthpur, District Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.07.2016

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.40/2015 registered at Police Station- Baikunthpur, District Korea (C.G.) for the offence punishable under Section 420, 467, 468, 471 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Luna Singh made a report to the police that Sunita Paikara and Naveen Sahu has received an amount from her in order to invest it in the share market. Subsequently, the amount though was deposited, it was not returned and on enquiry it was revealed that the said amount was handed over to the present applicant who opened D-mate account and it was invested, however, subsequently there was loss in the share market and the amount could not be returned, therefore, after investigation, the offence is alleged to have been committed.

3. Learned counsel for the applicant would submit that the applicant admittedly opened the D-mate account of the police personnel who interested to invest their money through D-mate account and the respective debentures periodically were also paid and had there been any intention to deceive, the entire amount could have been usurped. Therefore, under the facts and circumstances of the case, no offence is made out. Learned counsel further submits that the charge sheet has been filed and no further evidence is required, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The case diary and the statement of the witness shows that different amounts were invested in the share market and the money circulated through D-mate account of the present applicant. Taking into nature of offence and degree of allegation and further considering the fact that the charge sheet has been filed and all the evidence appears to be documentary in nature, 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