

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4826 of 2016

Hitesh @ Rinku, S/o. Deshraj Gakhad, Aged About 35 Years, R/o. Lal Sadak, Ward No. 04, Hanshi, Hissar, District Hissar (Haryana).

Presently R/o. Sector - 01, House No. 908, P.S. Arban, District Rohtak (Haryana).

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Balod, Distt. Balod, Chhattisgarh.

---- Respondent

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

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.09.2016

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.169/2016 registered at Police Station Balod, Distt. Balod (C.G.) for the offence punishable under Section 467, 468, 471, 420 & 120-B of Indian Penal Code.
2. As per the prosecution case, an advertisement was made in the Nai Duniya newspaper on 07.04.2016 whereby certain offer was invited to install the mobile tower of Aircel Company with condition that if the person authorized to install the tower over the land then in such case they would be paid Rs.80 Lacs. Consequently, certain people deposited different amount after contacting in the mobile number in certain Banks and subsequently, the offer was found to be completely fake. It is alleged that the present applicant is one of the conspirator who had used the mobile phone while

communicating with the other co-accused and dual sim was used in the mobile, therefore, the offence is committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case as no offence is existing against him and only he is a businessman having his business at Hissar and virtually there is no evidence against him for which he can be kept in the captivity.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Reply has also been filed supported by an affidavit. Perusal of the case diary and the documents would show that during investigation communications were made through the mobile number inscribed in the advertisement and subsequently statement of different persons i.e. Karan Chouhan, Vishal Giri, Ganesh Sahu, Vijay Baghel, Anwar Ali etc. had recorded who had deposited different amount in different Banks of ICICI and Punjab National Bank. Subsequently, certain ATM Cards were seized which were in name of Manoj Kumar which were kept by the present applicant and a mobile was also seized wherein dual sim was installed by which the applicant used to communicate the main accused Ramavtar Gupta and total amount of Rs.93,10,796/- was deposited in the account. Considering the evidence available against the present applicant and the way the organized offence has been committed by different persons, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge