

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4923 of 2016

Akhilesh Kumar Tiwari, S/o. Late N.K. Tiwari, Aged About 38 Years, R/o. J.R.M.I.G. 436, H, Sector-1, D.D. Nagar, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Purani Basti, Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Uttam Pandey, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.09.2016

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.154/2016 registered at Police Station- Purani Basti, Raipur (C.G.) for the offence punishable under Section 420, 120-B of Indian Penal Code.
2. As per the prosecution case, the applicant has floated a *Bisi* whereby Rs.1000/- was being collected from different persons for 10 months with an assurance that Rs.12,000/- would be paid after 12 months. Consequently, the amounts were collected from different persons on the different groups which reached to Rs.8,50,000/- and eventually the amount was not paid; thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant Akhilesh Kumar Tiwari lodged a report against Haldhar Rao Gavande since he had collected money and kept the amount with him for which different reports were made by the applicant to the

I.G. Police and T.I., in the year 2014 but no actions were taken and further an amount of Rs.35,00,000/- were also paid by the applicant to Haldhar; thereby the applicant himself was the victim. He further submits that the statements would reveal that the entire amount was kept by the other accused Haldhar and the present applicant has been falsely implicated in this case, therefore, he 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. Perusal of the statement of one depositor Sakuntala would reveal that allegations have been attributed to both the accused i.e. the present applicant Akhilesh Kumar Tiwari and Haldhar Rao Gavande as both the persons used to collect the amount with an assurance that it would be returned with a high interest. Taking into such statement and the documents on record and the way the organized offence has been committed, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge