

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.4910 of 2016**

Amit Kumar, S/o late Grah Bhushan Singh, aged about 32 years, R/o Flat No.200, First Floor Pocket 40, Sector 24, Rohini Delhi-85.

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Balod, District Balod (CG).

---- Non-applicant

For Applicant	:	Shri Kishore Bhaduri, Advocate
For Non-applicant	:	Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**ORDER (C.A.V.)****22/11/2016****(1)** Heard.

(2) This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested on 30.04.2016 in connection with Crime No.169/2016, registered at Police Station Balod, District Balod, for the offence punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code.

(3) Case of the prosecution, in brief, is that on 07.04.2016 an advertisement was published in Daily News Paper i.e. "Nai Duniya" purportedly to be by Aircel Telecom Company calling for investors to

provide land for erection of mobile towers. It has also mentioned in advertisement that the land owner will get benefits in lieu of providing land i.e. advance of Rs. 80,00,000/-, rent of Rs.80,000/-, 01 job, 20 years agreement with the Government and 10% increase in rent every year and, thereby the applicant committed the aforesaid offence.

(4) Learned counsel appearing for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the crime in question, no forged documents have been seized from him and only he is a competent businessman by profession. He further submits that the applicant is in jail since 30.04.2016; and the charge-sheet has already been filed and no useful purpose will be served by keeping him in jail, therefore, the applicant may be released on bail.

(5) On the other hand, learned counsel appearing for the State submits that the allegation against the present applicant is that he used different IDs of people to open bank accounts. These accounts were used for deposits to be made by persons interested in response to the advertisement and the material collected by the prosecution available in the case diary i.e. pan cards of different persons, voter ID cards of different persons, mobiles, driving license, ATM cards, pass books of different banks, cheque book, laptop and Car. He further submits that bail of co-accused has been rejected by order of this Court dated 16.09.2016 passed in M.Cr.C. No.4826/2016 and, therefore, he is not entitled for grant of bail.

(6) Taking into consideration the facts and circumstances of the case, nature and gravity of the offence; material seized by the

prosecution from him; and further taking into consideration the facts that the bail of co-accused namely Hitesh @ Rinku has been rejected by order of this Court dated 16.09.2016 passed in M.Cr.C. No.4826/2016, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

(7) Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-