

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5211 of 2016

Haldhar Rao Gavande, S/o. Shri Lakheshwar Rao Gavande, Aged About 25 Years, R/o. Bramhadeo Colony, Bhathagaon, Police Station Purani Basti, District Raipur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Y.C.Sharma, 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 and Section 4, 5 of the Prize Cheats & Money Circulation Schemes (Banning) Act, 1978.
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 eventuality the amount was not paid; thereby the offence is committed.
3. Learned counsel for the applicant Haldhar Rao Gavande would submit that the co-accused Akhilesh Kumar Tiwari has kept the

entire money, which is apparent from the statement of Sakuntala and each and every time Akhilesh Kumar Tiwari the other co-accused used to present in the spot and he had kept the amount and the present applicant has only given 10% of the amount. He further submits that the applicant has also made a report to the S.P. & other police authorities in the year 2015 for a repeated time. He further submits that the applicant has returned Rs.3,50,000/- to the members on the ground that whenever the amount has been returned by Akhilesh Kumar Tiwari it would be adjusted. He therefore submits that the present applicant has been falsely implicated in this case and as such 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 Haldhar Rao Gavande and co-accused Akhilesh Kumar Tiwari 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