

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6991 of 2016

- Dinesh Kumar Goswami S/o Shri Luxman Masturiya, Aged About 44 Years R/o. Sector -1, Professor Colony Raipur, Police Station Purani Basti, Raipur, District - Raipur Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Saraswati Nagar, Raipur, District Raipur Chhattisgarh

---- **Respondent**

For Applicant : Mr. J.N. Nande, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10-11-2016

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 on 1-11-2015 in connection with Crime No. 248 of 2014, registered at Police Station Saraswati Nagar, District Raipur (CG) for the offence punishable under Section 420 of the IPC.
2. Case of the prosecution, in brief, is that 4-11-2016 a report was made by the complainant against the applicant that the applicant himself showing to be the Director of Sevika Busiess Corporate, Raipr has collected Rs.100/- per month from different persons with a promise to return the same after draw in BC. However, no amount was paid to anyone and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case and no amount was collected by the present applicant from anyone and only false allegations have been attributed to the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 1-11-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents which shows that certain receipts have been recovered which are dated from 2011 to 2014 and the applicant had collected the amount from different persons with a promise to return the same after draw in BC, however, no amount was returned to anyone and ultimately a report was made.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and the manner in which number of persons have been deceived by the applicant and further considering the evidence collected by the prosecution, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju