

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7377 of 2016

Shanker Markam, S/o. Late Shri Gangaram Markam, Aged About 43 Years, R/o. Bangali Chal, Basantpur, Tahsil & District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh, Through District Magistrate, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.11.2016

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 in connection with Crime No.339/2016 registered at Police Station- Kotwali, Rajnandgaon (C.G.) for the offence punishable under Section 342, 386 of Indian Penal Code and Section 4 of Chhattisgarh Nishepako Ke Hit Ka Sanrakshan Adhiniyam.
2. As per the prosecution case, a report was made by Shekhar Lal Yadav on 25.01.2016 that he took a voluntary retirement, at that time, he was informed that certain policies have been floated by the LIC, as such, he took such policy and since he was not having money, at that time, the applicant agreed to finance the complainant and including the loan Rs. 22 Lakhs were invested in the policy and in lieu thereof Rs.70-75,000/- was given thereafter as an interest. Subsequently, the applicant pressurized to return the entire amount and certain amounts were adjusted and one time the complainant alongwith his friend and other co-accused abducted

the complainant by keeping blind fold and assaulted and kept him in captivity and got an account opened and got signatures in 12 cheques and thereby the entire retirement dues of Rs.67,90,000/- was withdrawn. Thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated as the applicant has filed petition against the Addl. Superintendent of Police, Rajnandgaon and in a counter thereof the false allegations have been attributed to this present applicant. He further submits that the victim had gone with the present applicant to Goa and other places, which would show that the allegation on the face of it is false, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that as many as 21 cases are to the credit of the present applicant under different Sections of IPC and Section 110 of Cr.P.C.
5. In reply to the past antecedents, learned counsel for the applicant further submits that in all the earlier cases, the applicant has been acquitted.
6. Perused the statement of the victim as also the list of cases. It appears that from the year 1996 onwards different cases were registered against the present applicant which continued. Taking into the statement of the victim and the nature of allegation and the fact that 21 cases were registered to the credit of the applicant, 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 dismissed.