

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7449 of 2016

Mohan Trivedi S/o Rajendra Prasad, Aged About 23 Years R/o
Hathouda Buzurg, Police Station Rauja, District Sahjahapur, Uttar
Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Akaltara, District Janjgir Champa, Chhattisgarh.

---- Respondent

For applicant - Shri Anup Majumdar, Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/12/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 4/08/2016 vide M.Cr.C. No.3717 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.105/2016 registered in Police Station Akaltara, District Janjgir-Champa (CG) for offence punishable under sections 420, 409/34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that a report was made by Balkrishna Chandel that he obtained life insurance policy for his family under the Reliance Life Insurance on 28.07.2014 and insurance was to be matured after 15 years. Accordingly, initially on 28.07.2014, Rs.49,971.84 was deposited which was given to one Shridhar, who was working as an agent for the company, however, receipt was not given. Thereafter, he was made to talk with one Ravendra Singh Chauhan and Ravendra Singh Chauhan explained about the entire policy and also encouraged him for further investment in the company. Certain phone calls were received on the different numbers bearing No. 8130953764, 08285961683,

07836921703, 09211298901, 09210962968, 09717813345 and 09069695418 and on the different dates, the amount was deposited and total amount of Rs.30.00 lakhs was deposited in the different accounts of Jammu & Kashmir Bank, Federal Bank Rajnagar, Bank of India, Dena Bank, IDBI Bank etc. by RTGS. When the receipt was asked for of Rs.30.00 lakhs, which was not given. Further when the complainant wanted the receipt, it was explained unless he made to pay further amount, the entire amount of Rs.30.00 lakhs, which is deposited shall not be returned. Thereafter, the report was made and the investigation started. During the investigation it was found that present applicant, Sandeep Singh was working as commission agent of the Reliance, who had passed the numbers of customers to the call center, which was run by Mohan Trivedi and Roshan and they used to make the call to the different customers and one Moolchand used to provide forged account number, wherein the amount was deposited. The calls were sent by the customers in the name of Rashid and Ravendra, which were fake and the amount was deposited in the account, which was subsequently withdrawn and the accounts were of Union Value Services and Reliance Communication, which was owned by Raza Ul Haq and Sanjay Sharma, who was working as traveling agent thereby, the applicant in an organized manner has committed the crime.

4. Learned counsel for the applicant submits that the entire case is based on the memorandum of the seizure witnesses and seizure witnesses namely Hariom Tiwari and Prem Rao Thakur has turned hostile, no evidence is available against the applicant and the applicant is in jail since 7 months, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the earlier rejection order dated 4/08/2016. The said

rejection order was on merit, therefore at this stage by picking up statement of two of the witnesses no opinion can be arrived at by this court while deciding the bail as it will amount to usurpt power of the trial court and it is for the trial court to adjudicate the entire evidence after evidence are before it. Taking into nature of offence and the way it has been committed, I am not inclined to entertain this second bail application by only reading statement of two of the witnesses.

7. Accordingly, the second bail application is dismissed. However, learned trial court is requested to expedite the trial.

Sd/-

(Goutam Bhaduri)

JUDGE