NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No. 6714 of 2017

Ahamed Shahnawaj Raja Khan S/o Abdul Nayeem Khan, aged about 32 years, R/o Loco Colony No. 54, Quarter No. 678/3, Police Station Sirgitti, Tehsil, Civil and Revenue District Bilaspur, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh acting through Officer in Charge, Police Station Sirgitti, Tehsil, Civil and Revenue District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ankur Kashyap, Advocate
For Respondent/State	:	Shri D. R. Minj, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

07/12/2017

This is the repeat bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 418/2016 registered at Police Station Sirgitti, Tehsil, Civil & Revenue District Bilaspur (CG) for the offence punishable under Sections 420, 406, 467, 468 & 471 of IPC. The applicant is in jail since 04.12.2016.

2. The earlier bail application stood disposed of without any appreciation on its merit for want of prosecution vide order dated 14.07.2017 in MCRC No. 1938 of 2017.

3. As per the prosecution, the present applicant was an agent of Fast Track Service and he used to collect money for Tata Capital financial Services Ltd. The allegation against the applicant is that he is said to have collected huge amount of money from Mukesh Thawre, Mohd. Nafiz Memon, Tarun Ku. Sethi, Rajendra Ku. Singh and Kaushal Kesharwani and used to give the original receipts to the said customers but the counterfoils which were to be deposited with the Company were tampered and much lesser amount was reflected in those counterfoils. In the process, the applicant used to pocket a major portion of the collected money.

4. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case in as much as the applicant is not involved in the transactions at all and that it is only the tampering of the counterfoils which he has deposited with the Company on the basis of which he has been implicated in the case. He further submits that this tampering has been done at the behest of the officers of the company and not by the applicant and for that the applicant has already remained in custody for more than one year. Hence, the applicant may be released on bail.

5. State counsel, on the contrary, opposing the bail application submits that the allegation against the applicant is of committing serious financial fraud while collecting money as an agent for Tata Capital Financial Services Ltd. Therefore, the applicant does not deserve to be released on bail.

6. Considering the nature of allegation and the offence alleged to have been committed by the applicant, this Court is not inclined to grant bail to the applicant at this juncture.

7. Accordingly, the application filed under Section 439 of Cr.P.C. for grant of bail stands rejected.

Sd/-
(**P. Sam Koshy)**
JUDGE

Bhola