

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 233 of 2017

1. Wasim Saify, S/o. Mujammil Husain, aged about 24 years,
 2. Fahim Saify, S/o. Mujammil Husain, aged about 26 years,
 3. Rukhsana Tarannum Saify, W/o. Mujammil Husain, aged about 45 years,
 4. Azim Saify, S/o. Mujammil Husain, aged about 22 years,
- All R/o. H/N. 476, Ward No.7, Farid Nagar, Nizami – Chowk, Supela, Tah. & District – Durg (C.G.).
- Presently R/o. Modi Road, Jivanpalli, Banglore, P.S.D. Jehalla, Distt. Banglore (Karnatka).

---- Applicants

Versus

The State of Chhattisgarh, Through : District Magistrate, Civil and Revenue District – Durg (C.G.)

---- Respondent

For Applicants	:	Mr. Amiyakant Tiwari, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

25/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.1213/2016, registered at Police Station- Supela, District – Durg (C.G.) for the offence punishable under Section 420 R/w. Section 34 of Indian Penal Code, 1860 and Section 10 of Chhattisgarh Protection of Depositors Interest Act, 2005.
2. Case of the prosecution in brief is that, a report was made by Subhan Khan against the present applicant and other family members that he met accused Majummil Hussain and his sons. He requested for investment in the business as he was financially not well. On such request, initially an amount of Rs.2.00 Lakhs was given and in turn after 3 months Rs.10,000/- was received towards dividend.

Subsequently again Rs.5.00 lakhs was given and as such on different point of time, the total amount of Rs.75.00 lakhs was given to make investment. Thereafter, on giving another amount of Rs.5.00 lakhs, the complainant received Post Dated Cheques of Rs.22.00 Lakhs. The accounts were opened in the name of Unique Traders, Good-luck Crockery and Cutlery and Perfect Seat Cover. The present applicant is the sons of Mujammil Hussain. The amounts so received were not returned with interest though it was assured and it is alleged that the applicant in connivance of other accused have committed fraud thereby the offence has been committed. It is also alleged that certain other persons have also invested the amount for business, however, they did not return the amounts and the cheques were bounced.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and the entire transaction is a monetary transaction. He further submits that the amounts were given to the father of the applicants and only general and omnibus allegations have been attributed to the present applicants and it is not a case the applicants have fled away with the amount, which was taken and was invested in the business which resulted into loss. It is further submitted that charge-sheet in this case has been filed no further investigation is necessary, and the applicants are in jail since 03.02.2016. It is further submitted that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C. No.5476/2016 vide order dated 01.12.2016, therefore, the counsel prays that the applicants may also be enlarged on bail.
4. On the other hand, learned State counsel opposes the bail application, however, he do not dispute the fact that similarly placed co-accused

has been enlarged on bail.

5. I have heard the learned counsel for the parties.
6. Considering the facts and circumstances of the case, charge-sheet in this case has been filed and the nature of transaction appears to be documentary in nature, and the applicants are in jail since 03.02.2016 and further considering the fact that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C. No.5476/2016 vide order dated 01.12.2016, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge