

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 334 of 2017

1. Subir Roy S/o J.C Roy Aged About 60 Years R/o House No. 3, Block-4, Kuber Enclave, Kohka, Bhilai Thana, Supela, District Durg, Chhattisgarh.
2. Shantana Roy W/o Subir Roy Aged About 55 Years R/o House No. 3, Block-4, Kuber Enclave, Kohka, Bhilai Thana, Supela, District Durg, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station, Bhilai Nagar, District Durg, Chhattisgarh.

---- Respondent

For Applicants : Mr. Himansahu Sinha, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30-01-2017

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 on 11-08-2016 in connection with Crime No. 246 of 2016, registered at Police Station Bhilai Nagar, District Durg (CG) for the offence punishable under Sections 420, 467, 468, 470, 34 of IPC and Section 10 of the Chhattisgarh Investor Protection Act, 2005.
2. Case of the prosecution, in brief, is that a report was lodged by complainant Raj Kumar Baidya that the applicants who were residing in a rented house of one V.K. Murugan, projected that they have agreed to purchase the flat for consideration of Rs.45,00,000/-, out of which Rs.25,00,000/- was paid and amount of Rs. 15,00,000/- was borrowed from the complainant with a promise that if they are not able to re-pay the amount of Rs.15,00,000/- to the complainant, the applicants would get the flat registered in the name of the complainant. Likewise, the applicants along with other co-accused persons have collected total Rs.1,00,000,00/- from various persons by projecting

different story and thereafter fled away and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, the entire allegations leveled against the applicants appear to be civil in nature, money was invested with consent of the complainant and other persons to develop the property and civil agreement was entered into between the parties, therefore, at the most, if allegations are accepted as it is, then it would lead to become a case of monetary transaction. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 11-08-2016 and no further investigation is required, therefore, they 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.
6. Perused the statements of different persons. It appears that the applicants on the pretext of providing huge benefit, received total amount of Rs. 1 crore from 20 persons and thereafter fled away.
7. Taking into consideration the facts and circumstances of the case, nature of allegation and degree offence and further considering the way the offence has been committed in an organized manner, I am of the considered opinion, *prima facie*, that it is not a fit case where the applicants can be enlarged on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

