

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 455 of 2017

- Javed Khan S/o Late Salem Khan, Aged About 27 Years R/o Near Firanteen Mandir Basantpur, Police Station Basantpur, Tahsil & District Rajnandgaon, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Kotwali, District Rajnandgaon, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Aditya Bharadwaj, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-02-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 6-9-2016 in connection with Crime No. 418 of 2016, registered at Police Station Kotwali, Rajnandgaon (CG) for the offence punishable under Sections 420/34 of the IPC.
2. Case of the prosecution, in brief, is that on 23-9-2014 a report was made by the complainant Chemandas Vaishnav that the applicant in order to provide job as Supervisor in Lamta Construction Company, Delhi, on different points of time allured him and got Rs.7 lakhs in different accounts and also allured him to pay Rs.2 lakhs with assurance to return the same with high interest, but eventually the same was not done and subsequently it was found that fraud has been committed and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the main allegation is on co-accused Kayum Khan and entire amount was paid in his account, the complainant entered into compromise with Kayum Khan and the applicant has been falsely implicated in the case. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 6-9-2016 and no further investigation is required, therefore, he 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 documents.
6. Perusal of the case diary would show that report was made in the year 2014 itself and the applicant himself reported to be the Manager of Lamta Construction Company, Delhi, received the amount from the complainant on different points of time to provide job.
7. Taking into consideration the facts and circumstances of the case, nature of allegations and degree of offence, evidence available against the applicant and further considering the way offence has been committed in an organized manner, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju

