

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1085 of 2017

Sumit Bhattacharya, S/o. Late Dr. Rajan Bhattacharya, Aged About 25 Years, R/o. Naya Amapara, Mohan Nagar, Durg, Police Station Mohan Nagar, Durg Tahsil & District Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through The District Magistrate Durg, District Durg, Chhattisgarh.

---- Respondent

AND

MCRC No. 1091 of 2017

Amit Bhattacharya, S/o. Late Dr. Rajan Bhattacharya, Aged About 35 Years, R/o. Naya Amapara, Mohan Nagar, Durg, Police Station Mohan Nagar, Durg, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The District Magistrate Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicants : Mr. Praveen Dhurandhar, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/03/2017

- Both are the first bail application of the applicants 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.612/2016 registered at Police Station- Mohan Nagar,

Durg (C.G.) for the offence punishable under Sections 420, 506 read with Section 34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that a report was made by one R. Malik that the brother of the complainant Shrinivas who was running a company namely Theme Water Construction Private Limited at Mumbai wanted loan and in order to provide the loan the present applicant has asked them to deposit certain amount and on the different dates Rs.9,46,000/- was taken by the present applicants whereas other Rs. 9 Lakhs were deposited in the account of Harshcharya B.K. & Geeta T.S. and the loan amount was assured to be sanctioned of Rs.25 Crores. Subsequently, the loan was not sanctioned, thereby, it is alleged that the applicant and other co-accused has committed fraud.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated, the applicants have only referred the proposed loanee to Harshcharya B.K. and Geeta T.S. and no amount was paid to them and only bald allegations have been made whereas the amount was deposited in the account of Harshcharya B.K. and Geeta T.S. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, report and also the statement of Vijay Soni, which shows that the amount was paid to the applicants in cash. Considering such oral statement and the fact that the charge sheet has been filed, I am inclined to release the applicants on bail.

6. Accordingly, both the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on 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.

Sd/-
(Goutam Bhaduri)
Judge

Ashok