

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 1106 OF 2016

Mohd. Sameem Rizvi, S/o Abdul Salam Rizvi, aged about 30 years, R/o Village Birsinghpur Pali, P.S. Pali, Tahsil Pali, District Umaria (M.P.)

... Applicant

Versus

State of Chhattisgarh, through P.S. Tarbahar, District Bilaspur (C.G.)

... Non-applicant

For Applicant	:	Ms. Renu Kochar, Advocate.
For Non-applicant/State	:	Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicant who is apprehending his arrest in connection with Crime No. 254 of 2014, registered at Police Station-Tarbahar, District Bilaspur, for the offence punishable under Section 420/34 of IPC.

2. As per the prosecution case, allegation against the present Applicant is that the present Applicant and the other co-accused person had projected themselves to be the developers of the property which was lying in front of the High Court of Chhattisgarh at Bilaspur, in the name of Jeevan Vihar, and had collected about Rs. 55.10 Lakh from 13 different persons. A complaint therefore was lodged by one Tapas Hajra in respect of the said alleged collection of money without there being any authenticity of the property.

3. Learned Counsel for the Applicant submits that the present Applicant is only a commission agent and he is not the owner of the property nor is he in any manner connected with the development of the said Jeevan Vihar colony. That he was only discharging his duties that was assigned to

him by the actual owner of that property and that all the money which was collected also was not deposited in the account of the present Applicant and therefore he may be released on anticipatory bail.

4. Learned Counsel for the State however opposes the anticipatory bail application on the ground that the present Applicant is not just an employee but he has projected himself as a Director of the firm namely Awesome Home and Land Pvt. Ltd. The State Counsel further submitted that the money, which has been collected in the course of land being shown to the different investors, was deposited in the name of one Sagarika Panda in her bank account at Central Bank of India at Kota, District Bilaspur. State Counsel also opposes the present anticipatory bail application on the ground that the anticipatory bail application of the co-accused Sagarika Panda has already been rejected by this Court on 25.8.2015 in M.Cr.C.(A) No. 787 of 2015.

5. Taking into consideration the rejection of the anticipatory bail of the co-accused Sagarika Panda and also considering the nature of allegation which has been levelled against the present Applicant by the complainant and also taking into account the statements of the other witnesses examined during investigation and further taking into account the fact that huge amount of money has been collected from different persons, this Court is not inclined to grant anticipatory bail to the present Applicant.

6. Accordingly, the present application under Section 438 of CrPC is rejected.

Sd/-
(P. Sam Koshy)
Judge