

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8228 of 2016

1. Deepak Kanaujia, S/o. Shri Murarilal Kanaujia, 28 years, R/o. -06 Tolstoy Marg New Delhi-1.

----Applicant

Versus

1. The State of Chhattisgarh, Through : Police Station Incharge, P.S. – City Kotwali - Jagdalpur, District – Bastar (C.G.)

---- Respondent

For Applicant	: Mr. Bhupendra Singh, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.135/2016, registered at Police Station – City Kotwali, Jagdalpur, District – Bastar (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120-B, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Rohit Modi lodged a complaint alleging that initially he received a phone call that he will get I-phone in offer price of Rs.9000/- instead of its actual price of Rs.70,000/- and asked him to deposit Rs.9000/-. Subsequently, he deposited Rs.3,000/- in the account and having deposited Rs.3,000/- in the account he was advised to deposit R.6,000/-, which was further deposited. Subsequently, gold coin was offered and accordingly on different point of time, the complainant

deposited the different amount in the name of benefit and the clearing charges etc. and total Rs.27,12,116/- was deposited in different account for TV, Shoes, Track suit , Watch etc. Thereafter, it was revealed that the complainant has been defrauded and on investigation, the applicant along with other co-accused persons have committed the offence and thereby defrauded the different persons.

3. Learned counsel for the applicant would submits that entire story of the prosecution is improbable as for Rs.3000/-, Rs.27.00 Lakhs could not be deposited and there is no evidence to connect the applicant in the aforesaid crime, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary documents. On the memorandum of the present applicant, different bank accounts are also collected, wherein the transfer of money has been made. Considering the way the organized offence has been committed by the present applicant along other accused persons, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge