

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8303 of 2016

Nayan Dutta, S/o. Late Tara Dutta, Aged About 39 Years, Caste Bangali,
R/o. Near Railway Station Manendragarh, Thana & Revenue District
Koriya, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Pradeep Rajgir, Advocate
For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate
For Objector : Mr. M.D.Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.01.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.75/2016 registered at Police Station- Civil Line, Bilaspur, District Bilaspur (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Dr. K.K.Agrawal that the present applicant who appears to be in close nexus with the political leaders assured his son to get admitted in M.D. through the Ministers quota and received an amount of Rs. 56 Lakhs, however, subsequently the promise was found to be completely false; thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that in-fact the applicant has availed loan from Dr. K.K.Agrawal for construction of

his house in the year 2012 and till 2016 no allegations were made against the present applicant, which would show that the entire story is concocted and the present applicant has already returned an amount of Rs.18 Lakhs and odd. He further submits that the applicant is constructing his house at Manendragarh which Dr. K.K.Agrawal wanted for his son and having been refused, the false allegations have been made and it is improbable that the amount would be paid in presence of different persons, therefore, false story has been projected, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel and learned counsel for the objector vehemently opposes the prayer for grant of bail. It is submitted that the applicant assured the complainant to get his son admitted in M.D. through Ministers quota and received an amount of Rs.56 Lakhs as he was closed to the then Minister Charan Das Mahant and on that assurance the amount was received and despite the report made in the year 2015, initially no actions were taken against the present applicant and incidentally after the huge follow up the present applicant has been arrested, therefore, the applicant may not be enlarged on bail.
5. Perused the case diary and statements of K.K.Agrawal, Bhagwat Prasad Saraf & Lal Chand Soni. Further perused the statement of Ajhar Khan also wherein he stated that the then Minister has also asked the applicant to return the amount, as he was close to the then Minister and pretended to be the P.A. Considering the totality of the fact and the way the offence has been committed by the present applicant, tempering of evidence cannot be ruled out as the case diary shows that initially report was made in the year 2015, however, the FIR was subsequently registered on 28.01.2016 after

long lapse of time. Taking into the facts and circumstances of the case, I am not inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok