

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8658 of 2016

1. Rakesh Pandey, S/o. S.N. Pandey, aged about 48 years, R/o. Smriti Nagar, Road No.24-A, Plot No.B/446, Bhilai, District- Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Supela, Bhilai, District – Durg (C.G.)

---- Respondent

For Applicant	: Dr. N.K. Shukla, Sr. Advocate with Mr. B.P. Singh, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/02/2017

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.1124/2016, registered at Police Station – Supela, Bhilai, District – Durg (C.G.) for the offence punishable under Section 420, 409, 120-B, 34 of Indian Penal Code and Section 10 of Chhattisgarh Protection of Depositors Interest Act, 2005.
2. Case of the prosecution, in brief, is that a report was made by Akhilesh Kumar Singh that the applicant – Rakesh Pandey having known the fact that the complainant has earned money from the

South Africa started visiting home and allured him to invest the amount with Astha Developers, which was managed by Manish Rao Solanke, Ezaz Niyazi and Mohd. Sabir Ali and on different point of time deposited Rs.1,03,00,000/- and assurance was given that high interest would be paid and the amount would be doubled within three years. Subsequently, when the amount was not paid back after pressure the applicant along with other namely Manish Rao Solanke, Ezaz Niyazi and Mohd. Sabir Ali had given the applicant a power of attorney in respect of the land, wherein the applicant also scribed his signature in such authentication, wherein the complainant further believed that transaction were correct. Subsequently, when the ownership of the land was enquired, it was found that the firm do not own any land. Thereby the applicant along with other co-accused has deceived and the applicant was also in his possession certain land papers of Kurud. Thereby has committed fraud.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case only on the ground that he has only signed as a witness in the deed and no more role has been played by him, therefore, the counsel prays that 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 statement as also the objection of the complainant and the report. In the entire report, allegations have been attributed for taking out the money by Rakesh Pandey that he along with the other co-accused has committed the crime and certain copy of title deed which were subject of sale, the documents were in his possession which were found to be false. Taking into the way the offence has been committed in organized manner, 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