

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1286 of 2017

- Ramesh Choudhari S/o Surajmal Choudhari, R/o Shivaji Nagar, Amrawo, Gwalior, Police Station Kampu, District Gwalior, Madhya Pradesh.

---- Petitioner

Versus

- State of Chhattisgarh Through: Police Station Dhamtari, Distirct - Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manish Nigam, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29-03-2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 10-10-2015 in connection with Crime No. 290 of 2015, registered at Police Station Dhamtari, District Dhamtari (CG) for the offence punishable under Section 420 of the IPC.
2. As per the prosecution case, in the year 2010 the applicant in the capacity of director of Devyani Properties Limited invited different investors to invest money in the company and thereafter with the assurance that the money will be doubled within a short period of time and in that process the Company has collected huge amount of Rs.26 crores and issued issued bonds to as many as 1000 investors. Thereafter, he was not able to return the money to the investors, thereby he committed fraud.
3. Learned counsel for the applicant would submit that this is a second bail petition and earlier first bail petition was dismissed on merits on 25-

1-2016. He would submit that one of the complainants namely Bhuvanlal Sai has been examined in this case and he has not supported the case of prosecution. He would further submit that charge-sheet has been filed, applicant is in jail since 10-10-2015 and the trial is being protracted, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents annexed to the bail application.
6. Considering the fact that number of downtrodden people have been defrauded by investing their amount in the company on that assurance that the amount will be doubled and same has not been returned to them, it would not be appropriate for this court to adjudicate the matter for consideration of bail by evaluating the statement of one witness as it would amount to usurping the power of trial Court. In view of this I am not inclined to allow this bail application.
7. Accordingly, the second bail application filed under Section 439 of the Cr.P.C is also liable to and is hereby dismissed.

Sd/-

(GOUTAM BHADURI)
Judge

Raju