

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1313 of 2017

- Haldhar Rao Gavande S/o Lakheshwar Rao Gavande, Aged About 32 Years R/o Village & Post Brahmadev Colony Bhatagaon Purani Basti Raipur Civil And Revenue District Raipur Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Purani Basti Revenue District Raipur Civil District Raipur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Rajeev Shrivastava, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.03.2017

1. This is fourth bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 154/2016 registered at P.S. Purani Basti, Distt. Raipur (C.G) for the offence punishable under Sections 420, 120-B of IPC & sections 4 & 5 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978.
2. As per the prosecution case, the applicant has floated a *Bisi* (Chit) whereby Rs.1000/- per month was being collected from every person for a period of 10 months with an assurance that total Rs.12000/- would be paid to every subscriber on opening the chit. Consequently the amounts were collected from large number of persons thereby a total sum of Rs.8,50,000/- was accumulated and eventually the amount was not paid back to the respective persons, thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the first bail application was dismissed on 22.9.2016 after hearing the same on merits; the second & third bail applications were dismissed for want of prosecution. He would further submit that 3 witnesses have been examined and they have not stated anything against the present applicant and the witnesses themselves were parties to the deposit, therefore, no offence is made out against the applicant. He further submits that the charge sheet has been filed; the applicant is in jail since 20.05.2016 and looking to the period of detention, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of witnesses Shakuntala Parmar, Pratibha Baghel and Indrani Madhariya wherein all of them have made positive allegations against the present applicant.
6. At this stage it would not be appropriate for this Court to evaluate the entire evidence only by picking up few lines from the cross examinations of the witnesses as it would amount to usurping the power of trial Court. Therefore, I do not find any change of circumstances for reconsideration of bail. Accordingly, it is rejected.
7. The trial Court is requested to expedite the trial without being influenced the remarks/observations of this Court.

**Sd/-
GOUTAM BHADURI
JUDGE**