

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3493 of 2017

- Mansingh Tekam, S/o. Shatruhan Singh Tekam, Aged About 40 Years, R/o. Village - Boriya Mokasa, Police Station- Khadgaon, Civil & Revenue District Rajnandgaon, Chhattisgarh. Present Address Rewadih, Police Station Lalbag, District Rajnandgaon, Chhattisgarh.

--- Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station- City Kotwali, Rajnandgaon, District Rajnandgaon, Chhattisgarh

-- Respondent

For the Applicant : Mr. Rakesh Kumar Thakur, Advocate

For the Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.06.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 528/2016 registered at Police Station- City Kotwali, Rajnandgaon, District Rajnandgaon (C.G) for the offence punishable under Sections 420, 406, 409, 120-B/34 Indian Penal Code and Sections 3 & 4 of Prize Chits & Money Circulation Schemes (Banning) Act, 1978. The first bail application was dismissed on merit on 31.01.2017 in M.Cr.C. No.7539 of 2016.
2. As per the prosecution case, a complaint was made by Rakesh Kumar Kurre on 03.08.2016 that the applicant has purchased 3 bonds in the name his mother from Guru Sai Real Estate and Applied Limited by payment of amount of Rs.2,50,000/- and it was assured that the amount will be returned with high value returns. Subsequently, the name of Guru Sai Real Estate and Applied Ltd.,

was changed as Sadguru Sai Civil Construction Company Limited. However, thereafter, the amount was not returned and the office was closed. It is alleged that the said circulation of money was made without sanction of the RBI or SEBI and thereby the offence has been committed.

3. Learned counsel for the applicant would submit that one of the co-accused namely Tek Kishore Sahu has admitted before the Jailer that he is the solely liable for the entire act and other accused have not committed any offence and, as such, there is a change of circumstances; therefore, the applicant may be released on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The argument advanced by the learned counsel for the applicant is completely absurd, as the confession made before the police and the other authorities whereby the applicant is giving a certificate to others cannot be entertained. Considering the same, I do not find any change of circumstances to reconsider the instant second bail application.
6. Accordingly, the instant second bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge