

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5326 of 2017

Deepak Kanaujia, S/o. Shri Murari Lal Kanojia, Aged About 29 Years, R/o.
06, Tolstoy Marg, New Delhi - 1

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Incharge, Police Station-
City Kotwali, Jagdalpur, District Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.R.K.Rao, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.09.2017

1. This is the 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 in connection with Crime No.135/2016 registered at Police Station- City Kotwali, Jagdalpur, for the offence punishable under Sections 420, 467, 468, 471, 120B, 34 of I.P.C. The first bail application was dismissed on merit on 09.01.2017 in MCRC No.8228 of 2016.
2. Case of the prosecution, in brief, is that one Rohit Modi lodged a complaint alleging that initially he received a phone call that he will get I-phone in offer price of Rs.9,000/- instead of its actual price of Rs.70,000/- and asked him to deposit Rs.9,000/-. Subsequently, he deposited Rs.3,000/- in the account and having deposited Rs.3000/- in the account he was advised to deposit Rs.6,000/-, which was further deposited. Subsequently, gold coin was offered and accordingly on different point of time, the complainant deposited the different amount in the name of benefit and the clearing charges etc. and total Rs.27,12,116/- was deposited in

different account for TV, Shoes, Track suit, Watch etc. Thereafter, it was revealed that the complainant has been defrauded and on investigation, the applicant along with other co-accused persons have committed the offence and thereby defrauded the different persons.

3. Learned counsel for the applicant submits that only three witnesses have been examined and the applicant is in jail since more than one year. He further submits that the applicant was not involved in the crime and he has been falsely implicated, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perusal of the case diary and statement of Rohit Raj Modi, the complainant. Considering the statement, it would not be proper for this Court to evaluate the same and give a finding. The detail examination and cross examination is also read in between the lines. Considering the entirety of the case, I am not inclined to entertain the instant second bail application.
6. Accordingly, the second bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge