

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7272 of 2017

- Bhawani Shankar Bhrigwanshi S/o P. R. Sharma, Aged About 39 Years, R/o Village Manjhi Ki Bawli Kunda, Aamer, Jaipur, Tahsil And District Jaipur Rajasthan, Rajasthan

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Arjuni, Dhamtari, District Dhamtari Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Pushpendra Kumar Patel, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 04-10-2017 in connection with Crime No.278/2017 registered at P.S. Arjuni, Dhamtari, District Dhamtari Chhattisgarh for the offence under Section 420, 120B of the IPC.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. No case is made out against him on the basis of material present in the charge sheet. The only allegation is this, that the complainant and other depositors made deposits in the account of this applicant and the applicant also made some returns as promised and subsequent to that, he has also as a token of his honesty issued cheques for paying back the depositors, but the same could not be encashed as there was no sufficient amount in the account. Hence, it is a matter of civil transaction between the applicant and the complainant in this case. The applicant is in jail since 04-10-2017. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that the applicant is proprietor of Raghuvanshi Brokers and through co-accused persons he induced and allured the complainant and various other depositors in the area to make deposits in his bank account promising attractive returns. It was his modus operandi that after making some returns, he usually closed the account and thereafter used to start new business concern. He himself used to visit the area and meet with the depositors to induce them to make deposits in his schemes for attractive returns and thereafter he was continuously engaged in the offence of cheating the innocent depositors of the area. Approximately 50 to 60 lacs of rupees has been collected by the applicant by offence of cheating committed by him. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. Complainant Bhuneshwar Sahu has lodged FIR alleging that he was induced by Raju Khare and Vinod, stating that this applicant is a proprietor of Raghuvanshi Brokers and by depositing amount in his bank account they will be getting attractive monthly returns and maturity amount after the period of maturity. The complainant and other depositors induced by this inducement given started depositing and also received returns for some time and thereafter the account was closed and some cheque were received, but the same have been dishonoured by the bank. It is also in the material in the case diary that the applicant himself used to visit the complainant and other depositors of the area and used to allure them with promise of attractive returns and give inducement to make deposits.

6. Considered on the submissions made and the contents of the case diary.

7. Considered on the material present in the case diary. Learned State counsel has also submitted later on that there may be a number of cases registered in other States also, but there is no such record produced for

perusal of this Court. Further, considering enormity of the offence committed by cheating a number of persons and the huge amount that has been collected by inducing the innocent depositors of the area, I am not inclined to grant bail to this applicant.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge