

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2602 of 2018

1. Vimal Jain S/o Late Maniklal Jain Aged About 66 Years R/o- House No. 22b, South Avenue, Choubey Colony, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Vaibhav Jain S/o Vimal Jain Aged About 38 Years R/o- House No. 22b, South Avenue, Choubey Colony, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Hirri, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:	Ms. Fauzia Mirza, Advocate
For Respondent/State	:	Shri Anupam Dubey, Dy, G. A.
For Objectors	:	Shri Arvind Shrivastava and Ms. Sunita Jain, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02.05.2018

1. This is the first 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. 143/2017, registered at Police Station – Hirri, District –

Bilaspur (C.G), for the offences under Section 420/34 and 120B of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and they are in jail since 27.03.2018. Development of things has taken place during the pendency of this case, a compromise has taken place between the complainant- (Digvijay Singh Bali) and these applicants. The complainant filed an affidavit before the Sessions Court submitting that he has received the total amount, which he paid on account of the inducement of the applicants. It is also submitted that wife of applicant No.1 and Mother of applicant No.2 are critically ill and the doctor has advised for treatment and surgery, hence, it is prayed that they may be released on bail.
3. Learned counsel for the State opposes the bail application and submits that this is not the only offence registered against these applicants. There are numerous similar offences registered against them, which shows that they are habitual in committing such offences, hence, no case is made out for grant of bail.
4. Learned counsel for objector- (Anil Nachrani) adopts the argument advanced by the State counsel and submits that the amount received by these applicants by inducement is **Rs.2.25,00000** /-. These applicants have similarly committed offences of cheating and fraud with others, hence, the application be rejected.
5. Learned counsel for objector- (Abhilash Banarjee) adopts the argument advanced by the State counsel and submits the

applicants are capable of influencing the witnesses and investigation in this case, hence, the application be rejected.

6. Heard counsel for both the parties and perused the case diary.
7. The allegation against these applicants is this that by inducement they received Rs. 10 Lakhs in advance from the complainant for purchase of showroom, thereafter, on pretext they can arrange for the dealership of Varsha Earthcon in favour of the complainant received Rs. 60 Lakhs. Neither the showroom nor the dealership was provided in favour of the complainant. Complainant filed an application under Section 156(3) of Cr.P.C., on the basis of same the case has been registered against them.
8. Considered on the submissions made by learned counsel and contents of the case diary. It is not denied that there are some other criminal cases are similar matters registered against them. Investigation in this case is still pending as it appears that there are allegation that these applicants are repeatedly engaged in commission of similar offences, hence, in my opinion, this is not a fit case for grant of bail.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd /-

(Rajendra Chandra Singh Samant)

Judge