

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3213 of 2018**

Rahul Kumar @ Vishal Modi @ Sunil Kumar @ Rajesh Kumar Adwani @ Rajesh Kumar @ R.K. Adwani @ Rohit Verma @ Rahul Gupta @ Robert Blue @ James Blue @ Anwir @ Arvind Gandhi aged about 32 years, S/o Om Prakash Adwani @ Om Prakash @ Om Prakash Gupta @ Om Prakash Verma R/o 01. Faridabad Uttar Pradesh, 02. 142/15 B, Fourth Floor, Amritpuri East Kailash Nagar, New Delhi, 03. H. N. 761/m. A. Shalimar Garden Ex. -01 Sahibabad, Uttar Pradesh, 04. B16, Sector-11, Gandhi Nagar, Gujrat, 05. 419 First Floor, East Kailash, New Delhi, 06, Flat No. 28 Perl, 36 Pakwar Road, Ahmadabad, Gujarat, 07. Flat No. F-92, Taksil Apartment, Vastrapur, Ahmadabad, Gujrat.

---- Applicant**Versus**

The State Of Chhattisgarh Through Police Station New Rajendra Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Awadh Tripathi and Shri Prem Prakash, Advocates.
For the Respondent/State	:	Shri Anupam Dubey, Dy. G.A.
For the Objector	:	Shri Sunil Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.06.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 143 of 2017, registered at Police Station New Rajendra Nagar, District Raipur, Chhattisgarh for the offence punishable under Sections 420, 406, 467, 468 and 120-B/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submit that the applicant is in jail since 29.12.2017 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed and the trial against the applicant is still pending. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. This applicant is not one of the Directors of the said SRRM, Courier and Cargo Services Company. His position is that of only a share holder. The real name of this applicant is Rajesh Kumar Adwani, to falsely implicate him, he has been arrested mentioning of the aliases who happened to be Directors of the Company. The persons who were aggrieved have appeared before the Court and expressed their no objection in grant of bail to this applicant. Hence, under these circumstances, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant holds a key position in the said company which has committed the offence of cheating in which this applicant was instrumental. Hence, for this reason, he is not entitled for grant of bail.

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

5. Complainant – Ashok Kumar Chaturvedi has filed a written complaint stating that for the purpose of obtaining franchise of SRRM Courier and Cargo Services Company he has deposited Rs.90,00,000/- in the bank account number provided to him by the Directors of the Company, namely, Sunil Kumar, Rahul Kumar, Devo Jyoti Chatterjee, Ajay Kumar Nokhavval,

Sukasis Raha @ Subhasis Raha and Neha Chauhan. The complainant was not provided with any franchise of the Company and when he came to know that the offence of cheating has been committed by the Directors of the Company he has filed a written complaint. On that basis, FIR has been lodged and the case has been investigated.

6. When the applicant came to Raipur presenting himself as Vishal Modi, he has been arrested. It has been also found in the investigation that this applicant himself is using alias names of Vishal Modi, Sunil Kumar, Rahul Kumar, Rajesh Kumar Adwani, Rajesh Kumar, R.K. Adwani, Rohit Verma, Rahul Gupta, Robert Blue, James Blue, Anwir and Arvind Gandhi and some fake identity papers have also been seized from his possession.

7. An affidavit has been filed expressing no objection of complainant – Ashok Kumar Chaturvedi and two others concerned in this case, in which they have stated that this applicant is not the main accused in this case, hence, they have no objection if the applicant is released on bail.

8. No objection so expressed by the persons concerned is not sufficient in this matter unless and until a clear identity of this applicant is established by the Investigating Agency. As it has been found in the investigation that this applicant has been using numerous aliases and he is connected with the said transporting company. Although the charge-sheet has been filed but there is requirement of additional investigation in this respect to find out the clear identity of this applicant so that the claim of his identity gets clearly established or rebutted. Connection of this applicant with the crime in question cannot be denied for the reason and that the applicant has been

using multiple identities. Hence, for these reasons, this application is rejected.

9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

10. The concerned police authorities are directed to make an additional investigation inquiry to find out the real identity of the applicant.

Sd/-

(Rajendra Chandra Singh Samant)
Judge