

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3532 of 2018

Lakhan Say Tekam S/o Satruram Tekam (Also known as Shatruram Tekam) Aged About 44 Years Caste- Gond, R/o- Village Boriya, Maukasa, Thana Khadgaon, Civil And Revenue District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- The Station House Officer, Police Station City Kotwali, Civil And Revenue District- Rajnandgaon, Chhattisgarh.

---- Respondent

For applicant -Shri Punit Ruparel, Advocate.
For Respondent/State- Shri Ashish Shukla, Dy.A.G

Hon'ble Shri Justice Goutam Bhaduri

Order

25/06/2018

Heard.

1. This is second bail application under section 439 of Cr.P.C. The earlier bail application was dismissed on 24/11/2016 vide MCRC No.6159 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.528/2016 registered in Police Station City Kotwali, District Rajnandgaon (C.G.) for offence punishable under sections 420, 406, 409, 120(B) & 34 of IPC and Section 10 of Protection of Interest of Chhattisgarh Investors Adhiniyam, 2005 Rule 2015.
3. Case of the prosecution, in brief, is that a report was made by Rakesh Kurre on 3/08/2016 that he had purchased three bonds of Saktinagar Branch, Rajnandgaon of Guru Sai Real Estate & Applied Limited of Rs.2.50 lakhs. Subsequently, the name of the company was changed as Sadguru Sai Civil Construction Company and when the

complainant was in need of money, he surrendered the bond, it was found that the company refused to pay the money. The said collection of money was made with high promise of return without sanction of RBI or SEBI. Thereby the offence has been committed.

4. Learned counsel for the applicant submits that prayer is made on the delay of the trial and the applicant is in jail since 7/08/2016, therefore he may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perusal of the order sheet filed alongwith the petition would show that on 5/01/2017 an application to argue before charge was filed and continuously on behalf of the applicant and the other co-accused dates were obtained, therefore it cannot be stated that prosecution was delaying the proceeding and the order sheet would show that the applicant who was working as director alongwith other co-accused has collected Rs.2,28,75,438/- from 4639 customers who were downtrodden people. Taking into way the offence has been committed and money was taken from the downtrodden people, I do not find any change of circumstances and delay on behalf of the prosecution to reconsider this second bail application.

7. Accordingly, the second bail application is dismissed. However, the learned trial court is directed to expedite the trial.

Sd/-

(Goutam Bhaduri)

JUDGE