

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4851 of 2018

Rajesh Kumar @ Rajesh Kumar Adhwani S/o Om Prakash Adhwani Aged About 37 Years R/o H.No.761/ma-1, Shalimar Garden, Sahibabad, Gaziabad, P.S. Sahibabad, Gaziabad (U.P.) Pin 201005 (Name And Address Are Wrongly Mention In Both Order), District : Ghaziabad, Uttar Pradesh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station New Rajendra Nagar, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Awadh Tripathi and Mr. Prem Prakash, Advocates
For Respondent	:	Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/07/2018

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.143/2017, registered at Police Station- New Rajendra Nagar, District – Raipur (C.G.) for the offence punishable under Section 420, 406, 467, 468 and 120-B/34 of the Indian Penal Code.
2. The first bail application filed under Section 439 of Cr.P.C. bearing M.Cr.C. No.3213/2018 has been rejected by this Court on 28.06.2018 making this observation that according to the charge-sheet, applicant had been using numerous aliases/identity regarding which no investigation has been done.
3. Learned counsel for the applicant submits that previous bail application of the applicant was rejected only for the reason that identity was not

established clearly in the investigation done in this case at that point of time. It is also submitted that the applicant has been implicated in this case. The applicant is not one of the Directors of SRRM Courier and Cargo Services Company. The applicant is only a share holder of the said company. The police station New Rajendra Nagar, District Raipur has added aliases with the name of this applicant, to which the applicant had objected but was not heard. This applicant has no connection with the crime in question. Proof of the identity of this applicant are attached alongwith this bail application which includes his passport, driving license and voter ID card. Hence, on that basis, he may be enlarged on regular bail.

4. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that in the further investigation made it has been established that this applicant had travelled in Indigo flight using name of another person. It is also submitted that this applicant has presented all the documents of his identity before the Investigation Officer and there is report from police station New Rajendra Nagar that the applicant has real identity of Rajesh Kumar son of Omprakash. The prayer for grant of bail has been objected on this basis that huge amount is involved in crime in question. Hence, the application be rejected.
5. In reply, learned counsel for the applicant submitted that charge-sheet has been filed and there is no requirement of further detention of the applicant in jail and after establishment of clear identity of the applicant and also for the reason that the complainant and other aggrieved persons in this case have expressed their no objection in granting bail to this applicant which is mentioned in the previous order dated

28.6.2018 passed in M.Cr.C. No. 3213 of 2018, hence, for these reasons, this applicant may be enlarged on bail.

6. I have heard the learned counsel for the parties and perused the documents placed on record.
7. Application under Section 439 of Cr.P.C. was already rejected on merits on previous date. Name of this applicant is not reflected as one of the Directors of the SRRM Company. Whether this applicant has used the name of the Directors of the Company as aliases is yet to be determined but under the present circumstances it is clear that this applicant is named and has identity as Rajesh Kumar Adhwani S/o Omprakash according to the ID proof that has been submitted and the originals of the ID that has been produced before the Court, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.1,00,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge