

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6210 of 2018

Chilaka Chandra Mouli Reddy, S/o. Mastan Reddy, (Wrongly Mentioned Chilaka Mohan Reddy In The Impugned Order) Aged About 39 Years, R/o. Kothapalli, Village Annatasagaram Mandal, District Nellore, Andhra Pradesh, At Present R/o. Flat No. 101 Venkaiah Swamy Villa, Magunta Layout, 11th Street Near Viswa Sai College, Annamayya Circle District Nellore, Andhra Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Bodhghat, Civil & Revenue District Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. Keshav Dewangan, Advocate

For Respondent : Mr. D.R.Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.11.2018

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.32/2017 registered at Police Station- Bodhghat, District Bastar (C.G.) for the offence punishable under Section 420, 467, 468, 471/34 and Section 3 r/w. Section 4-5 of Money Circulation Act 1971. The first bail application was dismissed as withdrawn on 20.11.2017 in MCRC No.4574/2017.

2. As per the prosecution case, one Raj Kumar Mandal and Pramila Mandal lodged a complaint that Krishnakant Patil, Santosh Kumar and Suresh had floated a company wherein they allured them to make deposit with a promise for high return. Subsequently, amount with high interest was not made. In the result all of a sudden the company was closed and all the persons and the

public at large were deceived and the said circulation of money was made without the permission from the SEBI or RBI.

3. Learned counsel for the applicant submits that the applicant is in jail since 04.05.2017, charge sheet has been filed and there is delay in trial, therefore, he may be released on bail.
4. State counsel was directed to call for the report as to what is the progress of the case. It is contended that 19 witnesses have been examined as on 10.10.2018 and 15 more witnesses are still to be examined. He further submits that two similar like nature of cases have been registered at Andhra Pradesh against the applicant.
5. Perused the case diary and the documents. The allegations are that the applicant on the basis of the fake sms collected more than Rs. 50 Lakhs and it appears that the means of the fraud is livelihood that of the applicant. In this case 19 witnesses have already been examined, therefore, at this stage, it would not be proper for this Court to evaluate the statement and give any finding, as it will amount to usurp the power of the trial Court while hearing the bail application. It is for the trial Court to adjudicate the same when the other evidences are placed before it. In view of this, I am not inclined to release the applicant on bail.
6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge