

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 745 of 2019**

1. Rajesh Pathak S/o Nandram Pathak Aged About 24 Years,
2. Sumit Dixit S/o Visambhar Dayal Aged About 23 Years

Both are R/o Village Neguva, District Chhatarpur M. P., District : Chhatarpur, Madhya Pradesh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Dipka District Korba Chhattisgarh, District : Korba, Chhattisgarh.

---- Respondent

|                   |   |                                    |
|-------------------|---|------------------------------------|
| For the Applicant | : | Shri Neetesh Shrivastava, Advocate |
| For the State     | : | Shri Vikram Dixit, Govt. Adv.      |

-----  
**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****15/02/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.162/2018 registered at Police Station Dipka, District Korba (C.G.) for the offence punishable under Section 420, 467, 468, 471, 34 of IPC.
3. Prosecution story in brief is that complainant Iqbal Ahmad has invested Rs.70,00,000/- in different insurance companies. In the year 2018, he has received E-mail/telephonic call by three mobiles No.7895265882, 9313017871 & 7065942921 to deposit some amounts in different accounts. He deposited some amounts in different accounts, the total amount of Rs.33,42,460/- and, thereafter, he did not receive the insured amounts. During investigation, it was found that in the account of applicant No. 1 Rajesh Pathak Rs.1,84,000/- were deposited. Co-accused Jitendra Shivhare had given a cheque of Rs.8,56,000/- and Rs.3,34,000/- to applicant No. 2 Sumit Dixit. It is alleged that co-accused Akshay Kumar used to contract with the different persons and used to induced to deposit the amounts in certain accounts. The co-accused Prashant Pathak used to provide the bank account of account-holders. After deposit the money, the account-holders were giving the money to co-accused Prashant Pathak after deducting their commission. The co-accused Purshottam Vishwakarma had also provided his account number to co-accused Prashant Pathak. The complicity of the applicant No.1 Rajesh Pathak has shown in the memorandum of co-accused Prashant Pathak, Jitendra Shivhare, Chatursh Rawat and Akshay Kumar. The complicity of the applicant No. 2 Sumit Dixit is described in the memorandum of co-accused Purushottam Vishwakarma. The complicity of applicants is also described in their own memorandum On the memorandum of applicant

No. 1 Rajesh Pathak one mobile handset and Rs.500/- were seized from him. On the memorandum of applicant No. 2 Sumit Dixit one mobile handset and Rs.700/- were seized from him.

4. Learned counsel for the applicants submits that they are innocent and falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
6. This Court has released co-accused Purushottam Vishwakarma, Akshay Kumar and Prashant Pathak on bail on 15/01/2019 in MCRC No. 9590/2018 and other connected case. The case of applicants is not severer than those co-accused which have been enlarged on bail by this Court. Thus, it is ordered that if the applicants furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- each to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail and they shall not commit such type of offence in future.
7. Certified copy as per rules.

Sd/-  
(Sharad Kumar Gupta)  
Judge

Kamde