NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1181 of 2019

Kalu Ram Sharma @ Ajay Sharma S/o Late Gendlal Sharama Aged About 49 Years R/o Jain Bada Baijnath Para Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer ,police Station Gol Bazar District Raipur Chhattiisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Saumya Sharma, Advocate.
For the Respondent/State	:	Shri Arun Kumar Shukla, G.A.
For the Objector	:	Shri Anant Bajpai, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

15.03.2019

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 17.1.2018 in M.Cr.C. No. 1676 of 2017 with a direction to revive the same after sometime. The applicant has been arrested in connection with Crime No.104 of 2016, registered at Police Station – Gol Bazar, District – Raipur, Chhattisgarh for the offence punishable under Sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 2 ½ years and has been falsely implicated in this case. The main accused in this case is the wife of the applicant who is absconding. So far,

9 witnesses have been examined in this case and none of them have made any specific statement against this applicant regarding the misappropriation of the amount withdrawn from the Bank account. This applicant has simply identified his wife in the bank documents which cannot be said to be a ground to hold that he is the person who has been benefited from the withdrawal made and he was the person who misappropriated the same. Hence, for these reasons, 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 it is a case in which the applicant is the person who is the mastermind of the offence committed. He with the help of the co-accused, his wife opened a fake account in the bank in which the amount of compensation received by the complainant was transferred and then withdrawn. According to the memorandum statement given by him, he is the person who has made the withdrawal and misappropriated the same. Hence, the applicant is not entitled for grant of regular bail.

4. Learned counsel for the Objector has adopted the arguments submitted by the State counsel and submits, that the co-accused is still absconding. It is a case of cheating of huge amount of Rs.87,00,000/-. This applicant is alleged to have forged the documents for opening the fake account in the name of Rina Jain, in which his wife, the co-accused impersonated as Rina Jain and this applicant is the person who identified her. Learned counsel further submits that looking to the enormity of the offence committed, no case is made out for grant of regular bail to the

applicant.

5. In reply, learned counsel for the applicant submits that Uttam Kumar Baranwar (PW-5) has named only Anju Sharma as the person who has defrauded the complainant. Shri Kashmira Singh, the Bank Manager (PW-4) has also been examined but he has not made any statement against the applicant. Apart from that, there is possibility in delay of trial. Hence, it is prayed that the application be allowed.

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

7. The case against the applicant is that the land belonging to complainant – Shreyansh Jain was acquired in Kamal Vihar Scheme of Raipur Development Authority. The complainant was supposed to receive compensation against that, but on making enquiry came to know that the compensation has been disbursed and withdrawn by some other person. On further enquiry, he came to know that the compensation of Rs.85,00,000/- was disbursed, but this applicant had in collaboration with his wife Anju Sharma has opened a fake account in the name of Rina Jain, the mother of the complainant in HDFC Bank and the compensation deposited has been withdrawn by them fraudulently and thus have cheated the complainant.

8. Considered the contents of the case-diary. After considering the entire submissions made and also perusing the documents filed alongwith application, I do not feel inclined to grant bail to the applicant in this case.

9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected. However, the trial Court is directed to expedite the trial and conclude the same preferably, as far as practicable within a period of six months from the date of receipt of the copy of this order. The applicant shall have liberty to file a repeat application in case the trial is not concluded within the stipulated period.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi