

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2980 of 2019

Lakhan Say Tekam S/o Satruram Tekam Aged About 44 Years Caste
- Gond, R/o Village Boriya, Maukasa, Police Station Mohla, Civil and
Revenue District Rajnandgaon, Chhattisgarh --- **Applicant**

Versus

State of Chhattisgarh through Station House Officer, Police Station
Kotwali, District Rajnandgaon Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Sunil Pillai, Advocate.
For the Respondent	:	Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2019

1. This is fourth bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.528/2016 registered at Police Station Kotwali, Distt. Rajnandgaon (C.G) for the offences punishable under Sections 420, 406, 409, 120-B, 34 of IPC.
2. The first bail application was dismissed on 24.11.2017. The second bail application was dismissed on 25.06.2018 and the third one was dismissed as withdrawn on 13.03.2019 with liberty to file afresh.
3. As per the prosecution case, a report was made by Rakesh Kurre on 03.08.2016 that he had purchased three bonds of Saktinagar Branch, Rajnandgaon of Guru Sai Real Estate & Applied Limited for Rs.2,50,000/-. Subsequently, the name of Company was changed as Sadguru Sai Civil Construction Company. When the complainant was in need of money, he

surrendered the bond and the Company refused to pay the money. The said collection of money was made with a promise to return the amount with high rate of interest, without there being any sanction of RBI or SEBI, thereby the offence has been committed.

4. Learned counsel for the applicant submits that the complainant and other witnesses have been examined and they have not deposed anything against the applicant. He further submits that the applicant is in jail since 07.08.2016 and the primary witnesses have been examined. He relies on statements of witnesses namely Rakesh Kurre (P.W.1), Kiran Verma (P.W.2), Punabai (P.W.3), Sanjay (P.W.4), Shrawan Kumar (P.W.5), Vivek Shrivastava (P.W.6) etc., which are placed on record. Therefore, the applicant may be released on bail.
5. Per contra, learned State Counsel opposes the bail application.
6. Considering the pretrial detention of the applicant as also the fact that he is in jail since 07.08.2016 thereby he has undergone the incarceration of nearly 3 years, I am inclined to release the applicant on bail, at this stage.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**