

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4033 of 2019

Mukesh Baghel, S/o. Pejram Baghel, Aged About 34 Years, R/o. Sitaram Colony, Police Station Gola Ka Mandir, District Gwalior, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Supela, Bhilai, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manish Upadhyay, Advocate

For Respondent : Mr. Anand Verma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.07.2019

1. This is the first 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.560/2016 registered at Police Station- Supela, Bhilai, District Durg (C.G.) for the offence punishable under Section 420, 409, 120-B, 34 of Indian Penal Code and Sections 3, 4, 5, 6 of Price Chits & Money Circulation Scheme (Banning) Act, 1978 (Applicant has been discharged from the charge under Section 10 of Chhattisgarh Ke Nikshepako Ke Hito Ka Sanrakshan Adhiniyam, 2005 as per order sheet).
2. Case of the prosecution, in brief, is that the applicants alongwith other co-accused on behalf of the Sunshine Infrabuild Corporation Limited allured the different persons numbering into 6769 and collected around Rs.18.00 Crores with a promise to return the same within a short period of time with high interest. However, the same was not returned, thereby the fraud has been committed. It is further case of the prosecution that the said amount was collected without the permission of RBI or SEBI.

3. Learned counsel for the applicant would submit that the charge sheet has been filed against one Mukesh Singh whereas the police has wrongly arrested Mukesh Baghel. He referred to the charge sheet and submits under the circumstances, the applicant who has been wrongly in custody of the police from last three years may be enlarged on bail.
4. Per contra, learned State counsel opposes the argument and would submit that the applicant was the Director of the Company which would be evident from the statement of Jayant Ram Sandilya and other witnesses.
5. Considering the submission made, since the identity of the applicant itself was disputed, the same cannot be decided by this Court while hearing the bail application. Considering the prima facie statement of Jayant Ram Sandilya and others, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge