

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.9590 of 2018**

Pursottam Vishvkarma, son of Harishankar Vishvkarma aged about 22 years,
R/o Village Baidar, Post Urdmaru, Thana Gadi Malhar, Thasil Naugaon, District
Chhatarpur (MP). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Dipka, Tahsil Katghora, District
Korba (CG). **---- Non-applicant**

AND**MCRC No.9999 of 2018**

Akshay Kumar son of Maharaj Mishra, aged about 25 years, Caste Brahman,
R/o 99 E, Sadarpur, Sector 45, Noida (UP). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Deepka,
District Korba (CG). **---- Non-applicant**

AND**MCRC No.134 of 2019**

Prashant Pathak, S/o Girija Prasad Pathak, aged about 28 years, R/o Village
Neguva, District Chhatarpur (MP). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Dipka,
District Korba (CG). **---- Non-applicant**

For Applicants : Dr. Shailesh Ahuja, Mr. Vikas Pandey and Mr. Nitesh Shrivastava,
Advocates.

For Non-applicant : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

15.01.2019

1. Above mentioned three bail applications arise out of a common Crime No.162/2018 registered at Police Station Dipka, District Korba for the offence punishable under Sections 420, 467, 468, 471, 34 of Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the three are first bail applications filed under Section 439 of the CrPC.
2. 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 Rs.7,00,000/- have been deposited in the account of applicant-Pursottam Vishvkarma. It is alleged that applicant-Akshay Kumar used to contract with the different persons and used to induced to deposit the amounts in certain accounts. The applicant-Prashant Pathak used to provide the bank account of account-holders. After deposit the money, the account-holders were giving the money to applicant-Prashant Pathak after deducting their commission. The applicant-Pursottam Vishvkarma has also provided his account number to applicant-Prashant Pathak. The complicity of the applicants-Pursottam Vishvkarma, Akshay Kumar and Prashant Pathak shown in the memorandum of applicant-Pursottam Vishvkarma. The complicity of the applicants Akshay Kumar and Prashant Pathak shown in the memorandum of the applicant-Akshay Kumar himself. The complicity of the applicants Prashant Pathak, Pursottam Vishvkarma and Akshay Kumar shown in the memorandum of applicant Prashant Pathak himself. The complicity of the applicants Prashant Pathak and Akshay Sharma shown in the memorandum of co-accused Sumit Dixit. The complicity of the applicants Prashant Pathak, Akshay Kumar and co-accused Rajesh Pathak shown in the memorandum of co-accused Chaturesh Rawat. The aforesaid mobiles were found packed.

3. Counsel for the respective applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be released on bail.
4. Counsel for the State opposed the prayer for grant of bail however he submitted that no criminal antecedent reported against the applicants in police case diary.
5. I have heard counsel for the parties and perused the case diary with utmost circumspection.
6. On the memorandum of the applicant-Pursottam Vishvkarma, one mobile and Rs.500/- were seized from him.
7. On the memorandum of the applicant-Akshay Kumar, one mobile, two sims and Rs.20,000/- were seized from him.
8. On the memorandum of applicant-Prashant Pathak, one mobile was seized from him.
9. The aforesaid complicity described in the memorandum is not admissible in evidence.

10. Looking to these facts and circumstances of the case, looking to the evidence available on record against the applicants, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicants. Accordingly, the bail applications (M.Cr.C. No.9590/2018, M.Cr.C. No.9999/2018 & M.Cr.C. No.134/2019) are allowed.

11. It is directed that in case, each of the applicants i.e. Pursottam Vishvkarma, Akshay Kumar and Prashant Pathak furnish 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.

12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-