

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9937 of 2018**

Avkash Pathak, aged about 53 years, son of late Shri Kanti Kumar Pathak, R/o village Navagarh, P.S. Pandatarai, District Kabirdham (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Kotwali, Raipur (CG).

---- Non-applicant

For Applicant	: Mr. Raghvendra Pradhan, Advocate
For Non-applicant	: Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.246/2016 registered in Police Station Kotwali, Raipur for the offence punishable under Sections 420 & 409 of Indian Penal Code.
3. Case of the prosecution, in brief, is that the applicant had stated to the complainant Rajesh Sharma that he is a Chairman and Managing Director of IWC Marketing Company Private Limited and gave assurance that the company gives the double amount within five years from the date of investment to the investors. The said complainant, his younger brother Suresh Sharma and his sister Anju Sharma have deposited Rs.1,40,000/-, 1,40,000/- & Rs.20,000/- respectively in the said company. Some bond papers have been given to them and, thereafter, the applicant locked the office and absconded.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. The applicant is in jail for 2 ½ years and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the above mentioned facts and circumstances of the case, looking to the seriousness of the offence; and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
7. Certified copy as per rules.

SD/-
(Sharad Kumar Gupta)
JUDGE

L/-