

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7135 of 2020**

Tek Kishore, S/o. Ajit Sahu, aged about 46 years, R/o. Nehru Nagar, Ward No. 12/15, Rajnandgaon, Tehsil and District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station : City Kotwali, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant : Ms. Rina Singh, Advocate

For Respondent/State : Mr. Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/11/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.528/2016 (wrongly mentioned as Crime No. 528/2020), registered at Police Station – City Kotwali, Rajnandgaon, District – Rajnandgaon (C.G.) for the offence punishable under Section 406, 409, 420, 201, 120-B, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case

diary. The applicant had intended to make refund of the amount deposited with him, but the complaint was made prior to the date of maturity of the bond. In the present development, in total 8 witnesses have been examined so far out of 22 witnesses cited in the list of the charge-sheet, therefore, the case has made no satisfactory progress. The applicant is in jail since 04.08.2016. Hence, it is prayed that the applicant may be released 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 applicant is related to fake finance company, in which, about 62 investors made investment of total Rs.2,28,75,000/- out of which, the partial return has been made and about more than Rs.2,26,00,000/- is to be refunded to the investors. Therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, it is alleged that the complainant Rakesh Kurrey has given complaint, that he made deposit with Gurusai Real Estate and Allied Limited, Indore, Branch Shakti Nagar, Rajnandgaon. He was assured that the money will be refunded to him as and when asked for. When the complainant, presented his requirement for refund of the amount, the amount was not refunded and office of investment company was closed and whereabouts of the manager and others of the company was not to be found, then the FIR has been lodged.
6. Considered the submissions made. The status of the applicant had been as a Manager of that company claimed by the complainant,

whereas the prosecution claimed that he was the Director of that company. Further the applicant had undergone 4 years in jail and trial against him has made no sufficient progress, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge