

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8855 of 2020

1. Anand Kasture S/o Late Sudhakar Kasture, Aged About 46 Years, R/o Satyadev Nagar, Near Pendry School, Gandhi Nagar, Police Station Ghatipur, Gwalior (M.P.).

---- Applicant

Versus

1. State Of Chhattisgarh Through The District Magistrate, Durg District Durg (C.G.).

---- Respondent

For Applicant	: Mr. Jitendra Gupta, Advocate.
For Respondent/State	: Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

19/01/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No. 282/2014, registered at Police Station Bhilai Nagar, District – Durg (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 409, 34 of Indian Penal Code.
- 2) Case of the prosecution, in brief is that during the period from 2006 to 2013, present applicant alongwith co-accused projecting himself as Director and authorized signatory of Venchura Securities prompted complainant Smt. Saroj Choubey and 26 other persons for making investment in the stock market and commodity and thereby fraudulently obtained Rs. 2,80,00,000/-. The applicant is also alleged to have forged and fabricated certain documents for having illegal gains. On report being lodged to the above effect, offence under the aforesaid section has been registered against the applicant.

- 3) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that similarly situated co-accused namely Mansha Kasture has been granted bail by this Court vide order dated 23/09/2015 in MCRC No. 4012/2015. The applicant is in jail since 30/07/2014, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) I have heard the learned counsel appearing for the parties and perused the case diary.
- 6) Considering the facts and circumstances of the case, the nature of allegations against the present applicant that he committed misappropriation of huge amount of Rs. 2,80,00,000/- from the complainant and other 26 investors, he is also involved in similar offence bearing crime No. 287/2014 registered at Police Station Bhilai Nagar, District Durg, the fact that co-accused Mansha Kasture (wife of the applicant) has been granted bail mainly on the ground of she being a woman suffering from epilepsy and her minor daughter, aged about 3½ years, suffering from ailment of lungs, the specific role attributed to the applicant in commission of the crime, 8 witnesses have been examined during trial so far, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**. However, the applicant shall have a liberty to file bail application afresh if the trial is not concluded within a period of 4-5 months from today.

-Sd/-
(Gautam Chourdiya)
Judge