

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9468 of 2020

- Girija Shankar Kumar S/o Surendra Pratap Singh Aged About 49 Years
R/o 33, Mirchai Bari, Katihar, District-Katihar, Bihar- 854105

---- Applicant

Versus

1. State Of Chhattisgarh (Through PS Ramanujganj, District Balrampur, Chhattisgarh)
2. Krishnapad Mandal S/o Shri Jitendra Nath Mandal Aged About 55 Years
R/o Jawahar Nagar, P. S. Balrampur, District Balrampur-Ramanujganj
Chhattisgarh

---- Respondents

For Applicant	: Mrs. Madhunisha Singh, Advocate.
For respondent No.1/State	: Mrs. Hamida Siddiqui, Dy. A.G.
For Objector/respondent No.2	: Mr. Ajay Kumar Pandey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-06-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. for grant of regular bail in relation to his arrest on 26.07.2019 in connection with Crime No.158/2017, registered at Police Station– Ramanujganj, District-Balrampur, C.G. for offence punishable under Sections 420, 34 of I.P.C. and Section 10 of Chhattisgarh Protection of Depositors Interest Act.
2. This is third application filed under Section 439 of Cr.P.C. by the applicant for grant of regular bail to him. The first application M.Cr.C. No.5404 of 2019 was dismissed on merits on 04.10.2019, subsequent to that, the applicant filed an application for grant of temporary bail which was registered as M.Cr.C. No.1215/2020 vide order dated 25.02.2020, a temporary bail was granted to the applicant for a period of 06 months. This temporary bail was again extended further up to 1st of

January, 2021. The present application was filed in December, 2020 then the bail was extended till 11th of January, 2021 by the order dated 23.12.2020. Then, this temporary bail has been again extended on 11.01.2021 till the 1st of February, 2021 then it was extended to 22nd of February, 2021. Further up till 23rd of March, 2021 and then upto 12th of April, 2021 and lastly on 12.04.2021, it was extended till the next date of hearing.

3. It is submitted by learned counsel for the applicant that the applicant has made all the efforts to compromise and settle the dispute with the complainant and others. The charge-sheet has been filed which shows the money involved to only Rs.34,00,000/-. Copy of bank transactions has been filed according to which, direct transfer of money has been made from the account of the applicant to the account of the complainant and other parties, who have grievance against this applicant. The copy of receipts has also been filed which shows that the parties concerned have received amount from the applicant. The applicant also proposes to deposit Rs.15 lakhs in the Court through a demand draft, whereas he has already made a refund of Rs.19 lakhs to the complainant and others, hence, for these reasons and taking into consideration that the applicant has made every effort to settle the dispute with the complainant, therefore, he should be granted regular bail.
4. Learned State counsel opposes the application and submits that the respondent has verified the statement made by this applicant and a report has been received, in which, it is reported that the affidavits filed are not genuine. The persons affected have made statements that they have not received any amount from the applicant and they have denied their signatures on the documents, therefore, the claim made by the

applicant on the basis of the documents filed has no genuinity and it appears to be a case of another fraud.

5. It is further submitted that it is a case, in which the applicant has been benefited with Rs.2,00,000/- by making illegal collection from the investors, therefore, the applicant is not entitled for grant of regular bail.
6. Learned counsel for objector/respondent No.2 that is complainant, adopts the arguments advanced by the learned State counsel and submits that it is a case of huge fraud, therefore, the applicant should not be granted regular bail.
7. Heard learned counsel for the parties and perused the documents present.
8. There is no requirement to consider on the merits of the case. This applicant was granted temporary bail vide order dated 25.02.2020 in M.Cr.C. No.1215 of 2020, on this ground that the applicant is bonafidely making attempt to compromise and settle dispute with the complainant and others and therefore, the temporary bail was granted to completely settle dispute with the parties concerned. The claims that have been made by the applicant in this application have not been confirmed after the verification made by the investigation agency apart from the complainant himself has appeared through learned counsel and objected in grant of bail to the applicant.
9. Further, as it is the statement of the learned counsel for the State that the documents on which the applicant is relying are false and without any genuineness, hence, I am of this view that it is not a fit case where the applicant should be granted regular bail.
10. The applicant is still at large. The temporary bail granted to the applicant which was extended time to time on the date fixed for hearing, however,

on the last date of listing that is 17.06.2021, the temporary bail was not extended. Hence, the applicant is directed to surrender before the trial Court on or before 5th of July, 2021, otherwise the trial Court shall be at liberty to take coercive steps against the applicant.

11. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

12. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika