

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 4181 OF 2015**

Kanhaiya Lal Ojha S/o Shiv Kumar Ojha; aged about 33 year; R/o Shri Ramnagar, behind of I.T.I., Shyam Nagar Raipur; Police Station Civil Line Raipur; Tahsil & District (Revenue & Civil) Raipur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Police Station Dallirajhara District (Revenue & Civil) Balod (C.G.)

---Non-applicant

For Applicant	:	Mr. Sumit Jhanwar, Advocate
For Non-applicant/State	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/09/2015**

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. 191/2015, registered at Police Station Dallirajhara District (Revenue & Civil) Balod (C.G.), for the offence punishable under Sections 03, 04, 05 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978 (in short 'Act, 1978').

2. Case of the prosecution, in brief, is that, applicant being registered Company under the Companies Act named as J.S.B. Real Infra India Limited floated money circulation scheme which is banned under Section 3 of the Act, 1978 which is punishable under Sections 4 & 5 of the Act, 1978.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that there is no complaint by the villagers against applicant that he has accepted money or got it invested in his Company. He would further submit that for the offence under Section 4 of the Act, 1978 only three years rigorous imprisonment is prescribed and for offence

under Section 5 of the Act,1978, two years rigorous imprisonment is prescribed. He would lastly submit that applicant is in jail since 02/07/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that applicant is performing non banking activity without permission of Reserve Bank of India.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; punishment prescribed under Sections 4 & 5 of the Act,1978; and pretrial detention of the applicant, this Court is of the opinion that present is the 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 furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE