HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1354 of 2016

Sachin Damor S/o Ramji Singh Damor Aged About 24 Years Presently Residing At C-9, Marble Palace, Mahu Road, Ratlam, District Ratlam, Madhya Pradesh, Permanent Address, Indrapuri Colony, Thalanda, District Jhabua, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Balod, District Balod, Chhattisgarh.

---- Respondent

For applicant - Shri B.D. Guru, Advocate.
For Respondent/State – Shri Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/06/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 24/2015 registered in Police Station Balod, Dist. Balod for offence punishable under section 420, 34 of Indian Penal Code & Section 3, 4 & 5 of the Prize Chits and Money Circulation Schemes (banning) Act, 1978.

2. As per the prosecution case one B.N. Global India Company Limited was floated which is non-banking company received different amounts from the despositors so as to double the same within short period of time. Subsequently, the same was not not being done. Approximately 3000 people had deposited the amount and when money was to be paid company was closed. Thereby the offence is committed.

3. Learned counsel for the applicant submits that applicant himself was employee of the company and he was not in helm of affairs of the company to receive the amount and he was paid employee. Therefore, he submits that applicant would stand different from that of the stand of the

directors. He further submits that charge sheet has been filed and no further investigation is necessary, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail. He would submit that as per the information received from the Ministry of Corporate Affairs applicant was one of the director of the company.

5. I have perused the case diary and the documents. One of the documents which is enclosed shows that applicant was one of the director of the company. Taking into manner in which amount has been received from the various down trodden people so as to double the amount within short period of time, however ultimately company was closed and entire staff ran away shows that organized crime has been committed. Case diary shows communication from the Ministry of Corporate Affairs wherein applicant has been shown as one of the director at the relevant point of time. Therefore, evaluating the gravity of accusations and considering the stakes of the small depositors as against the company people, reasonable apprehension of witnesses being influenced cannot be ruled out. Further evaluating the position and standing of the accused as against the depositor witnesses, it cannot be equated which raises presumption of tampering of the witnesses. Therefore, considering the gravity of offence, the way the organized offence has been committed and different amounts have been collected from the down trodden people, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

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