**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C.(A) No. 354 of 2016**

1. Kailash Singh Lodhi, S/o. Shri Suraj Singh Lodhi, aged about 52 years, R/o. Shiv Mandir Road, Lodhi Mohalla, Ward No.13, Police Station Maksi, Tahsil and District – Shajapur (M.P.).
2. Narendra Singh Lodhi, S/o. Shri Hari Singh Lodhi, aged about 39 years, R/o. A.B. Road, Near Raj Talkies, Ward No.4, Police Station Maksi, Tahsil and District – Shajapur (M.P.)

**----Applicants**

**Versus**

1. State of Chhattisgarh, Through : Station House Officer, Police Station Telibandha, Raipur, District – Raipur (C.G.)

**---- Respondent**

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| For Applicants | : | Mr. Ashish Gupta, Advocate |
| For Respondent/State | : | Mr. Anil S. Pandey, Govt. Advocate |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**12/04/2016**

1. Apprehending arrest in connection with Crime No.72/2016, registered at Police Station- Telibandha, Raipur, District – Raipur (C.G.), for offence punishable under Section 420, 406, 120-B, 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.

2. As per the prosecution case, the applicant No.1 Kailash Singh Lodhi, who was the Chairman and Narendra Singh Lodhi, the applicant No.2 was the director of the company namely SUSK India Company and Sining Star Infra-tech Company floated the different scheme whereby the peoples were invited to invest on it with an assurance that after yearly payment of maturity, the amount would be doubled and if the amount is not paid, the depositor shall be provided with the plot.

Consequently, Panchram Sahu lodged a report that he invested Rs.10,620/- per annum in the year 2011, which was to mature on 07.01.2016 and on the maturity, the complainant went to the office, then the office of the company found closed. Therefore, the report was made.

3. Learned counsel for the applicants submits that company was engaged in real estate business and was not engaged in the business of chit fund or money circulation. It is contended that the company in turn had agreed to purchase the land which was transferred to the different persons who has deposited the money and since the purchase plan has not gone through as such, the company could not provide the depositor with the plot. It is submitted that the company did not involve in the business of money circulation, therefore, no offence is made out against the applicant. Therefore, the counsel prays that the applicants may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail and would submit that the applicants were helm of affairs invited the different people and has received the amount so as to double it within a short period of time. However, when the maturity time came, the company was closed and everybody run away.

5. Perused the case diary. Case diary contains various scheme which was floated by the applicants' company. Perusal of the statement would show that on the assurance of the company, different persons deposited the amount on regular basis in different plans. The case diary shows that different schemes were floated and certificates were issued with maturity amount. The document would also show that all of a sudden, the office of the company was closed. Considering the

nature of the documents, the way the organized offence has been committed, it is not a case, where the provisions of Section 438 of Cr.P.C. can be extended as it can not be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is dismissed.

**Sd/-**
**(Goutam Bhaduri)**
Judge

Balram