

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.6568 of 2015

Ramsumiran Pal, aged 40 years, S/o Shri Vedram Pal, R/o Vill. Nagarpal, PO Badshah Nagar, P.S. Seramou, Civil and Rev. Distt. Shajahanpur (South U.P.), Presently R/o Shiv Dashan Society, Mira Road (East), Distt. Thana (M.H.)

---- Applicant

Versus

State of Chhattisgarh, Through P.S. Pandri, Civil & Rev. Distt. Raipur (C.G.)

---- Non-applicant

For Applicant: Mr. Anjani Kumar Singh and Mr. Devershi Thakur,
Advocates.

For Non-applicant/State: Mr. Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

CAV Order

22/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.242/2011, registered at Police Station Pandri, Raipur, for the offence punishable under Sections 420, 406, 409, 468, 471, 120B of the IPC; Sections 3, 4 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.
2. Case of the prosecution, in brief, is that on the complaint of Ikram Qureshi, FIR No.242/2011 has been registered by the jurisdictional police and the said complaint has been investigated. It has been stated by the complainant in the complaint that he had invested Rs.11,000/- in www.speakasiaonline.com which had attracted people at large by its scheme through which it allured general public to deposit/invest in

www.speakasiaonline.com, thereby assured the people that they will get Rs.1,000/- per week by filling the survey form by registering themselves and completing the on-line survey on the said website. It is further alleged that by this scheme, the said www.speakasiaonline.com has allured and attracted people at large and the innocent people of the State of Chhattisgarh have invested/deposited huge amounts in www.speakasiaonline.com in anticipation of getting returns but the said website was closed and thereby the complainant and several other similarly situated people were cheated. On the said complaint, offence under Sections 420, 406, 409, 468, 471, 120B of the IPC; Sections 3, 4 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978, has been registered against www.speakasiaonline.com.

3. Mr. Anjani Kumar Singh, learned counsel appearing for the applicant, would submit that the applicant has not committed any offence and he has been falsely implicated in the case in Chhattisgarh. He would further submit that the applicant was franchisee of Speak Asia at Mumbai in which certain offences have been registered against him and he has already been granted bail by the Magistrate. He would also submit that the applicant has also been enlarged on bail by the Delhi High Court in a case framed wrongly against him. He would submit that in the State of Chhattisgarh, the applicant had only come twice to deliver speech in the programme arranged by Speak Asia and he has not been the franchisee at Chhattisgarh, Dipankar Sarkar, Virendra Singh and Vishal Goswami were franchisee at Raipur. Dipankar Sarkar and Virendra Singh have been arrested by the police and they have been enlarged on bail by the jurisdictional criminal court, and appeal and revision preferred by the

State have already been dismissed. Mr. Anjani Kumar Singh would contend that Vishal Goswami one of the franchisees is still absconding. Elaborating his submission, he would further contend that no amount has been deposited in the account of the applicant by any of the victims from Chhattisgarh and there is no allegation in the charge-sheet that such an amount has been deposited in his account. He would also contend that no statement has been made by any of the complainants that any amount has been deposited in the applicant's account. He would lastly submit that the applicant had never been the franchisee at Chhattisgarh and no bank account of the applicant has been seized which is maintained in Chhattisgarh and no recovery has been made from the applicant in Chhattisgarh. The police has only copied the Mumbai criminal proceeding pertaining to the applicant and has filed charge-sheet. No custodial interrogation of the applicant is required as the applicant is in jail since 15-9-2014 and no useful purpose will be served by detaining him in jail.

4. Referring to the statement of Sevak Das Manikpuri, Mr. Anjani Kumar Singh would also submit that it would clearly show that it is the franchisee in whose account money was deposited by the complainants/victims and since it is a case of no evidence against the applicant, in order to conduct the trial, release of the applicant from jail is necessary, as he would not be able to conduct the proceeding in absence of his release from jail looking to the voluminous charge-sheet which has been filed against him and as such, he be released on bail.
5. Opposing the bail application, learned State counsel would submit that as per statement of Sevak Das Manikpuri, the applicant delivered speech on

behalf of Speak Asia and introduced the company in Chhattisgarh by twice visiting the State of Chhattisgarh. He would further submit that Vishal Goswami, Dipankar Sarkar and Virendra Singh were franchisee of the said Company in Chhattisgarh. Also referring to the memorandum statement of Dipankar Sarkar, learned State counsel would also submit that all deposits were came to be made only on account of provocation and motivation made by the present applicant. Learned State counsel would lastly submit that no deposit was made in the account of the applicant, no statement has been made that the amount was deposited in the present applicant's account, the applicant was not franchisee of Speak Asia, no bank account of the applicant has been seized in Chhattisgarh, no recovery was made from the applicant and bail application of co-accused Ramnivas Pal namely M.Cr.C.No.3354/2015 has been rejected by this Court by order dated 14-8-2015.

6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence; facts and circumstances of the case; role of the applicant as the applicant is said to have delivered only two speeches in Chhattisgarh at Raipur in favour of Speak Asia; he was not the franchisee of Speak Asia at Chhattisgarh and is only had a franchisee with Speak Asia at Mumbai; taking into account the submission that no deposit has been made in the account of the applicant in the State of Chhattisgarh; further taking into consideration the submission of the applicant that there is no statement of any of the investors / penalists that he deposited any amount in the account of the applicant and further submission of the applicant that there is no account seized which was being operated by the applicant in Chhattisgarh; it has

not been pointed out that any recovery has been made from the applicant in the State of Chhattisgarh; Raipur franchisees of the said Company were Dipankar Sarkar, Virendra Singh & Vishal Goswami, and Dipankar Sarkar & Virendra Singh, who have induced investors and got the amount deposited in Chhattisgarh, have already been enlarged on bail by jurisdictional criminal court; the present applicant is in jail since 15-9-2014; charge-sheet has already been filed and no custodial interrogation of the applicant is required; case of the present applicant is distinguishable from that of Ramnivas Pal, co-accused who has been denied bail by this Court on 14-8-2015, as allegation against co-accused Ramnivas Pal is that he has prepared binary plan of the said Company Speak Asia; pretrial detention of the present applicant; taking into consideration that offence under Sections 471 of the IPC, Sections 3, 4 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 are bailable; and keeping in view the decision rendered by the Supreme Court in the matter of **Sanjay Chandra v. Central Bureau of Investigation**¹, I consider it a fit case for grant of bail to the applicant. Accordingly, the application is allowed.

8. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed. The applicant shall regularly appear before the trial Court unless exempted by that Court.
9. It is made clear that the trial Court would decide the case on its own merit, in accordance with law and would not be influenced by any of the

¹ (2012) 1 SCC 40

observations made by this Court in this order, as the observation made in this order is only for the purpose of deciding the application for grant of regular bail.

Sd/-
(Sanjay K. Agrawal)
Judge

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