

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.388 of 2016

Sunil Kumar Ojha, aged about 47 years, S/o Shri G.S. Ojha, R/o Subhash Nagar (Kukaripara), Police Station Subhash Nagar, Raipur, Civil & Revenue District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Police Station Palari, District Balodabazaar.

---- Non-applicant

For Applicant:	Mr. Bhaskar Payashi, Advocate.
For Non-applicant:	Mr. Dheeraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/02/2016

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.138/2010, registered at Police Station Palari, Distt. Balodabazaar, for the offence punishable under Sections 420, 409, 120B, 411, 414 of the IPC; Sections 4 and 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.
2. Case of the prosecution, in brief, is that Matoshree Developers, through was not owner of the land, entered into an agreement to sale in respect of the subject land with Royal Vision Care Marketing & Services Pvt. Ltd. and thereby committed the offence. Allegation against Royal Vision Care Marketing & Services Pvt. Ltd. is that they have introduced persons to invest money in their money circulation scheme giving them assurance that they will get higher rate of

interest. The FIR has been lodged on 22-4-2010.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, there is no allegation against the present applicant, he is only partner of Matoshree Developers, he has not introduced any person to invest money in Royal Vision Care Marketing & Services Pvt. Ltd. and he is not involved in the money circulation scheme. Three co-accused persons namely Uma Shankar Shrivastava, Subhash Chandra Sharma and Smt. Mukta Shrivastava have been granted anticipatory bail by this Court vide orders dated 8-7-2013, 1-10-2013 and 6-3-2014 passed in M.Cr.C.(A)Nos.725/2013, 752/2013 and 147/2014, respectively. The applicant is in jail since 28-12-2015.
4. On the other hand, learned State counsel opposes the bail application and submits that the applicant remained absconded for last five years i.e. since the date of FIR i.e. 22-4-2010, he surrendered and has been arrested only on 28-12-2015. Challan has even been filed in his absence before the trial Court. Learned State counsel further submits that looking to the past conduct, the applicant is likely to abscond again if he is released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, further taking into account the role of the applicant, the allegation that he remained absconded since the date of FIR and surrendered/arrested only on 28-12-2015, charge-sheet was filed in his absence, apprehension of the State that he is likely to abscond again if he is released on bail and that his case being

distinguishable to that of other co-accused persons who have been granted bail, I am not inclined to grant regular bail to the applicant. Consequently, the application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

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