

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2110 of 2016

Alishama Sona @ Tinku, S/o. Prakash Sona, Aged About 33 Years, R/o. Village Daganiya, Police Station Saraipali, District Mahasamund Chhattisgarh, Presently Residing at Qtr. No. 9/108, Bharti Nagar, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Janjgir-Champa, District Janjgir Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. C.K.Kesharwani, Advocate

For Respondent : Mr. Satish Gutpa, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.255/2015, registered at Police Station- Champa, District Janjgir-Champa (C.G.) for the offence punishable under Section 420, 409 r/w 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant is one of the Director of Gurukripa Infra Reality India Limited. The said company launched different schemes and received the amount from different persons with a promise to double the same within a short period of time and subsequently did not adhere to its promise and further without any sanction from the RBI or SEBI circulated the money for which they were not authorised. The company ultimately closed it's branches and fled away. Thereby, the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and infact the entire transaction was

made by the other official of the company and the name of the applicant has been falsely implicated. It is further submitted that the entire amount which was taken by the company was returned to different depositors and particularly the amount which was deposited by the complainant Pavitri Bai was returned. The counsel further referred to certain photocopies of cheques to show that amount has been returned to the different depositors. Thereby, recently it cannot lead to say that the applicant has committed any offence. It is further contended that the other employees of the company who are at the helm of affairs who have done the job have been granted bail by the Court below, therefore, the present applicant may be enlarged on bail.

4. Per contra, 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, the applicant was one of the Director along-with others and they in an organized manner have collected different amount from the depositors and without the sanction of RBI has circulated the money. It is further pointed out that in order to show the payment, one cheque which is in name of Sushil Kumar Agrawal, which is bearing No.0206136 has been filed in six copies; likewise a cheque of Nandani Karsh which is bearing No.0206137 has been filed in three copies so as to give an impression that all the payments have been made to different depositors. Therefore, it appears that the entire efforts have been made to mislead the Court about the facts to get the benefit of bail to the applicant.
5. Perused the case diary and the documents. The case diary shows the communication from the Ministry of Corporate Affairs, Government of India, wherein the present applicant has been

shown as a Director along-with other five Directors. The case diary also contains the communication from the Reserve Bank of India which shows that the company namely Gurukripa Infra Reality India Limited was not authorised for non-banking and circulation of money. The statement of bunch of witnesses are on record i.e. of Bajrang Lal, Gulab Chand, Ramesh Kesharwani, Bhagwat Prasad, Vinod Dewangan etc. which shows that the company with an assurance to double the amount allured different persons to deposit the amount in the company to get back the same with the high return, however, ultimately the amount was not returned and offices were closed. Prima facie, it appears that the applicant is a Director of the company which has received the amounts from depositors. The applicant has filed certain copies of cheques in numbers to show that amount has been returned to the depositors. Perused the cheques and copies. It shows that photocopies of two cheques are placed bearing No.0206136 and 0206137 only but number of photocopies have been multiplied. Therefore, as appears primary effort is made to misplace the facts by the applicants to project bonafide. Despite the charge sheet has been filed, tempering of evidence as the persons affected in mass appears to be less literate and downtrodden cannot be ruled out, therefore, considering the statements and the documents and the manner in which the organized offence has been committed, I am not inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge