

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7062 of 2015

Krishna Kumar Dewangan, S/o. Bharatlal Dewangan, Aged About 28 Years, R/o. Near Bade Math Temple, Champa, Police Station and Post Champa, Civil and Revenue District Janjgir Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station- Baradwar, District Janjgir Champa (C.G.)

---- Respondent

For Applicant	:-	Mr. Manoj Paranjpe, Advocate
For Respondent/ State	:-	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

12/01/2016

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. 269/2015 registered at Police Station- Baradwar, District Janjgir Champa (C.G.) for the offence punishable under Sections 420 read with section 34 of IPC.
2. Case of the prosecution, in brief, is that the applicant is the director of Shree Ram Civicon Limited. The said company floated different schemes and collected money from different villagers with the assurance that within short span of time the money would be doubled. Accordingly, the different persons of different villagers deposited the amount in the schemes as floated by the company. However, ultimately the company closed its office and thereby the money deposited in intermittent period could not be returned. Consequently, the offence has been committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the charge sheet has been filed and only seven persons have been named as complainant in the instant case. He further submits that the applicant has already been resigned from the post of directorship of the company on 11.09.2014 and the Board of director have accepted the resignation of the applicant. The resolution of the company has been filed alongwith the bail application. He further submits that the remaining director have entered into an agreement with the depositor for scheme. He further submits that the amount was deposited on 30.06.2015, before that the applicant has resigned from directorship of the company, therefore, he may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail and went through the statement of the complainants Parmeshwar, Ramesh Kumar, Ashok Kumar, Sawan Kumar, Kumar Bai, Saroj and Laxmi etc wherein they have stated to have deposited the money in the company to make it double but when the money was to be paid back the office of company were closed and all off the persons fled away. Therefore, the money so collected was not returned according to promises as such with all intentions offence has been committed.
5. Perused the case diary. Perusal of the case diary would show that the applicant was appointed as a Director on 04.03.2014. The memorandum of association also perused. It shows that the company was incorporated to carryout the business of the real estate and construction. The documents also do not show that the company was authorized to receive the money for banking from

different villagers. The charge sheet also do not contain any documents of resignation as director of the applicant from company. The applicant being director being in helm of affairs have collected money from downtrodden villagers and have not returned the money and subsequently closed the office of the company at time of repayment. Prima-facie, as appears, that the applicant along with others who were at helm of affairs of company have cheated the different villagers and small depositors. Further, the projection to show that applicant has resigned from the company would lead to form an opinion that the applicant has tried to tamper the evidence. The position of the applicant as against that of the villager depositors also can not be ignored so as applicant if so released may try to influence the evidence to his advantage. Considering the statements of the complainants and the way the offence is committed this court is of the opinion that it is not a fit case where the applicant can be released on bail.

6. Accordingly, the bail application is rejected.

Sd/-
(Goutam Bhaduri)
Judge