

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2457 of 2016

Rakesh Anant S/o. Ratiram Anant, Aged about 27 years, Caste Satnami, Resident of Pragati Maidan, Nead Mandi Cate, Pandri Tarai, Police Station Pandri, Revenue and Civil District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police Station Dallirajhara, Civil and Revenue District Balod (C.G.)

---- Respondent

For Applicant	:- Mr. Abhinav Shrivastava, Advocate
For Respondent/ State	:- Mr. Anil S Pandey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

02/05/2016

1. This is the third 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. 166/2015 registered at Police Station- Dallirajhara, District Balod (C.G.) for the offence punishable under Sections 420 of IPC and sections 3,4,5 of the Prize Chits and Money Circulation Scheme Banning Act, 1978.
2. The first bail application was dismissed on merit on 24.11.2015 in M.Cr.C. No. 6303 of 2015 and the second bail application was dismissed for want of prosecution on 27.10.2015 in M.Cr.C. No. 5462 of 2015.

3. Case of the prosecution, in brief, is that joint report was made by the depositors that the company namely SPNJ Land Project and Developers India Limited have collected approximately an amount of Rs. 150 Crores from the different investors on the assurance that the amount would be doubled in short period of time and the bonus will be paid as interest. Subsequently, all of a sudden, the company was closed and everybody in the helm of the company affairs fled away. On being investigated, the offence was subsequently registered.
4. Counsel for the applicant submits that the applicant worked according to the direction of the Directors and submits that in the earlier occasion while the bail was rejected on 24.11.2015, the fact that the applicant was working as Manager H.R. in the company was not placed before the Court. He further submits that the applicant joined in service in the year 2012 and resigned from the company in the year 2014. He further submits that the role of the applicant in the company was completely different and he could not be held liable for the act done by the Director, therefore, the applicant may be enlarged on bail.
5. Learned State counsel opposes the prayer for grant of bail and submits that the applicant was involved in the affairs of the company, the company opened its office at the different States and the applicant who was completely involved in affairs of company had collected amount from the depositors at Dallirajarah, through the agents, as such it can not be stated the role of the applicant is limited, therefore, the applicant may not be enlarged on bail.
6. Perusal of the earlier rejection order dated 24.11.2015 would show that the argument which is advanced by the counsel for the

applicant is only that the applicant was the employee of the company was considered earlier too. As prima-facie, appears the amount was collected by Company at the behest of the applicant, he being a local person and H.R. head. The earlier rejection of bail was the basis of fact that the applicant in connivance with the other had received an amount for company and other co-accused from downtrodden people, and was part of decision making of policies. The argument which is advanced by the counsel for the applicant, was considered earlier too, and no further change of circumstances appears, as submitted that out of 45 witnesses only 3 witnesses have been examined. Considering the manner in which the offence is committed by the applicant, prima-facie, it appears that the applicant also was in the helm of affairs of company cannot be ruled out in for the region of Dallirajaha and other places. In view of same, I do not find to reconsider the bail again and to release the applicant on bail.

7. Accordingly, the bail application filed under section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge