

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4086 of 2016

- Sunil Kumar Ojha S/O Shri G.S. Ojha Aged About 42 Years R/O Kukripara, Subhash Nagar, Police Station Purani Basti, Raipur District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarsiva District Balodabazar-Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Mr. Y.C. Sharma, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.07.2016

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 on 28-12-2015 in connection with Crime No. 241 of 2010, registered at Police Station Sarsiwa, District Baloudabazar -Bhatapara (CG) for the offence punishable under Sections 420, 409, 411, 414, 120-B of the IPC and Sections 4 & 5 of the Prize Cheats and Money Circulation Schemes (Banning) Act, 1978.
2. The case of the prosecution, in brief, is that M/s. Royal Vision Care Marketing & Services Pvt. Ltd., Madurai, Tamilnadu, allured different persons to invest the money in the company so as to return the same with double with a short span of time. Consequently, money was deposited by the different persons and subsequently the money was not returned to them. The said activity was done without any permission of ICICI Bank or SBI. It

is alleged that the applicant had entered into agreement for sale of land to Royal Vision Care Marketing & Services Pvt Z Ltd., therefore, they were also party to the conspiracy.

3. Learned counsel appearing for the applicant would submit that the applicant had entered into agreement for sale of the land to M/s. Royal Vision Care Marketing & Services Pvt. Ltd., therefore, the applicant has no nexus with affairs of the company. Neither he has collected any money from the public nor has assured any repayment. He would further submit that similarly placed other co-accused persons have been granted bail vide order dated 21-1-2014 and 6-11-2013 passed by co-ordinate Bench of this Court in M.Cr.C (A) No.1376 of 2013 and 1237 of 2013, therefore, the applicant may also be released on bail on the ground of parity.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of co-accused persons who have been granted bail by co-ordinate Bench of this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, the fact that the role played by the applicant was different as he has not collected money from different depositors and he has no nexus with the company affairs, charge-sheet has been filed, the applicant is in jail since 28-12-2015 and further considering the fact that similarly placed co-accused persons have been granted bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of

Rs.25,000/- with one surety in the like sum to the satisfaction of the
concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju