

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4685 of 2016

1. Mahendra Rai, S/o. Indrajeet, aged about 21 years, R/o. P.V. - 120, Police Station – Pakhanjur, District – North Bastar, Kanker (C.G.)
2. Tuman Dadsena, S/o. Moolchand, aged about 23 years, R/o. Village-Mongrapali, Police Station Bagbahara, District – Mahasamund (C.G.)
3. Viplav Mandal, S/o. Vidhan Mandal, aged about 22 years, R/o. Village- P.V. 35, Police Station Pakhanjur, District – North Bastar, Kanker (C.G.)
4. Prasanjeet Sarkar, S/o. Panchanand Sarkar, aged about 21 years, R/o. Village- P.V. 79, Police Station Bande, District – North Bastar Kanker (C.G.)

---- Applicants

Versus

1. State Of Chhattisgarh Through The Police Station – Balod, District Balod Chhattisgarh

---- Respondent

For Applicants : Mr. S.S. Baghel, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 29-5-2016 in connection with Crime No. 243 of 2016, registered at Police Station Balod, District Balod (CG) for the offence punishable under Sections 3, 4 and 5 of the Prize Chits and Money Circulation Schemes Banning Act 1978.
2. As per prosecution case, on 29-5-2016 at Nishad Bhawan at Balod, the applicants along with others held meeting for Safe & Secure Online Marketing Private Limited and asked the people to deposit Rs.500/- to become a member and subsequently they would get the commission on selling products and while the

meeting was being conducted, spot was raided and the applicants were arrested.

3. Learned counsel appearing for the applicants would submit that the the applicants have been falsely implicated in the case, no offence has been committed by the applicants as they were only agents of the company and were describing how to sell the products for online for the company and after the products were being sold they would get the commission, therefore, it cannot be said that the offence has been committed. The counsel submits that the applicants are in jail since 29-5-2016 and no further investigation is required. It has been further submitted that similarly placed other co-accused have been granted bail vide order dated 21-07-2016 passed by this Court in M.Cr.C.No. 3923 of 2016 and vide order dated 26.07.2016 passed in M.Cr.C.No.4035/2016, 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 do not dispute the fact that the case of the present applicants is similar to the case of co-accused who has been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the witnesses Shiv Shankar and Smt. Janaki Bai wherein they have stated that the applicants and others were giving information about the products of the company, at that time police came there and arrested the applicants.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicants, considering the statements of the witnesses and taking into fact that the applicants are in jail since 29-5-2016 and similarly placed co-accused has

already been released on bail, I am inclined to release the applicants on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge