

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5133 of 2016

- Sanjay Mourya S/o Ram Darash Mourya Aged About 39 Years R/o Bajrangpur, Nawagaon, Out Post Chikhali, P.S. Kotwali, Rajnandgaon, Tahsil & District Rajnandgaon Chhattisgarh ---
Petitioner

Versus

- State of Chhattisgarh through the District Magistrate, Rajnandgaon Chhattisgarh ---
Respondent

For the applicant	:	Mr. P.K.C. Tiwari, Sr. Advocate with Mr. Kripesh Kela Advocate
For the Respondent	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.09.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 201/2015 registered at P.S. Basantpur, Rajnandgaon (C.G) for the offence punishable under Sections 420/34 of IPC.
2. As per the prosecution case, the applicant along-with other co-accused committed fraud by receiving amounts from different villagers to the extent of Rs.22.00 lakhs in the name of Om Shri Sai Balaji Marketing Pvt. Ltd., as the villagers were asked to purchase the bonds for a fixed period with a promise that it would be doubled within a period of 4 years. Thereafter when the amounts were not paid on maturity of the due dates, report was made wherein after investigation, the charge sheet has been filed.
3. Learned counsel for the applicant would submit that the first bail application was dismissed on 07.01.2010 and during the period, only one witness was examined out of 16 witnesses. He further submits that the applicant and other persons were employees of the said

Company and he had not played any vital role in taking policy decisions. He further submits that similarly placed accused Bachchan Das Sahu has been enlarged on bail by this Court in M.Cr.C.No.3458 of 2016 on 25.7.2016. It is further submitted that the charge sheet has been filed, no further investigation is necessary and considering the role played by the applicant as also the facts that similarly placed co-accused has been enlarged on bail and no substantial progress in trial took place, the present applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he is not able to dispute the fact that co-accused Bachchan Das sahu against whom similar allegations were made has been enlarged on bail by this Court.
5. Perused the earlier bail rejection order passed in M.Cr.C. 7466 of 2015 as also the order passed in M.Cr.C.No.3458/ 2016 whereby the other accused Bachchan Das Sahu has been enlarged on bail.
6. Considering the role played by the present applicant that he was not in the Board of Directors or in the helm of such affairs and thus he had not participated in taking any policy decisions and further taking into fact that similarly placed person has been enlarged on bail by this Court as stated above as also the fact that charge sheet has been filed and no substantial progress in trial has taken place, I am inclined to release this applicant on bail, at this stage.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**