

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4658 of 2016

Mohan Kumar Munna, S/o. Late Shatruhan Munna, Aged About 51 Years,
R/o. Lalpur Shiv Chowk, Raipur, In Front Of Grocery Shop, Raipur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station -
Telibandha, Raipur, Distt. Raipur, Chhattisgarh.

---- Respondent

For Applicant : Ms. Fouzia Mirza, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.09.2016

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.72/2016 registered at Police Station- Telibandha, Raipur, Distt. Raipur (C.G.) for the offence punishable under Section 420, 406, 409, 120-B, 34 of Indian Penal Code and Section 10 of Protection of Investors Act, 2005.
2. As per the prosecution case, certain amounts were collected by the Company namely SUSK India Limited & Shining Star Infrastate Limited from the different depositors with a promise to return the same with a high return, however, after the considerable period when the amount was not paid to various persons, on enquiry it was found that the office of both the Companies were closed. The said collection was without permission of RBI or SEBI, thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant was not in the helm of affairs of SUSK India Ltd. and he was working for Shining Star Infrastate Ltd. and he had resigned on 20.11.2012 and the debentures which have been filed of Gulabram & Girwar Singh they were of 2013, therefore, after the cessation of Directorship of the applicant, the investments were made. It is further submitted that another accused Lalit Pal has been enlarged on bail by this Court on 16.08.2016 in MCRC No.3790 of 2016 and the case of the present applicant is similar to that of Lalit Pal as he was also provided a Director DIN number and therefore the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and the charge sheet. The reply of the State is also perused. The charge sheet documents shows that two sets of papers of Companies were collected one of SUSK India Limited and another of Shining Star Infrastate Limited. The Shining Star Infrastate Limited appears to be sister concern of SUSK India Ltd. In SUSK India Limited, the Directors have been named as Narendra Singh Lodhi, Dinesh Saini, Sunil Lodhi, Anil Lodhi, Santosh Kumar Jaiswal and Fatte Singh and for Shining Star India Limited, the Directors have been shown as Anil Lodhi, Santosh Kumar Jaiswal, Fatte Singh and the present applicant. Subsequent documents which are on record also show Mohan Kumar Munna, the present applicant as one of the Director alongwith one Kanhaiya Lal Ojha. Reading of the FIR made by Panchuram shows that the joint allegations have been made against SUSK India Limited and Shining Star Infrastate Limited, therefore, reading the document collectively would show that the

applicant was one of the Directors in the Shining Star Infrastate Limited for certain period. The other bail which is granted to Lalit Pal, the charge sheet document do not contain any document to show that he was working as Director of SUSK India Limited. The prosecution has not placed such document on record, therefore, the parity cannot be applied in the given set of document, which was placed before the Court. The only document which is produced by the applicant that some DIN number was given to Lalit Pal is not supported by the prosecution. Considering the totality of the facts prima facie it appears that the applicant was also in the helm of affairs as Director of the Company Shining Star Infrastate Limited against which in the initial FIR the same is included and the common set of Directors were there in both SUSK India Limited and Shining Star Infrastate Limited. Therefore, considering the facts and circumstances of the case and the way the organized offence has been committed as different amounts have been collected from the down-trodden people, this Court is not inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge