

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5020 of 2016

1. Ravikant Vishwakarma S/O Kamta Prasad Vishwakarma Aged About 34 Years Caste Lohar, R/O Village & Post Karkati Via Budhhar, P.S. Khairaha, Tahsil Sohagpur, District Sahdol (M.P.)
2. Amit Kumar Sonpakar S/O Late Basant Lal Aged About 27 Years Caste Cherwa, R/O Village Kharvat (Wrongly Mentioned As Khakhat In The Order Sheet), Post Chhind-Dand (Wrongly Mentioned As Chhindwara In The Order Sheet), P.S. Charcha, Baikunthpur, District Koriya Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through : The Station House Officer, Police Station - Pratappur, District Surajpur Chhattisgarh

---- Respondent

For Applicant : Mr. Ashok Kumar Shukla, Advocate

For Respondent/State : Mr. Neeraj Kumar Shama, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30-08-2016

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 1-6-2016 in connection with Crime No. 48 of 2016, registered at Police Station Pratappur, District Surajpur (CG) for the offence punishable under Sections 420 read with Section 34 of the IPC and Section 10 of CG Protection of Interest of Depositors Act, 2005 and Sections 4, 5 and 6 of the Prize Chit and Fund Operation Scheme Prohibition Act, 1978.
2. Case of the prosecution, in brief, is that a report was made that one Shinning India Real Estate & Dairies Limited allured

the different people to deposit the money in their account with an assurance to return the same with double and also assured that at the end of maturity some real estate property shall also be given to the depositors. Consequently, different amounts were deposited by the persons from Bilaspur, Pratappur, Surajpur and also from different places. Subsequently, neither the amount so deposited by the customers returned nor any real estate property was given to them. According to the prosecution, the said company was not authorized by Securities and Exchange Board of India (SEBI) & Reserve Bank of India to collect amount for like nature. It is also alleged that applicant No.1 Ravi Kumar Vishwakarma was working as Assistant General Manager and applicant No.2 Amit Kumar Sonpakar was working as Branch Manager was working in the said company at Surajpur and Pratappur and at their behest the amount was deposited by various depositors in the said company and therefore, the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that present applicants were hired by the company and they had not played any vital role in the policy decision of the company and the entire bank account of the company was operated by Amit Kumar Patel and Kholuram Patel. It is further submitted that the applicants were salary paid employees and they themselves were deceived by the company and they have also resigned from services. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 1-6-2016 and no further investigation is required, therefore, considering the role played by the applicants, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.

6. Case diary contains the evidence that account was opened in Axis Bank, IDBI Bank, Bank of India and the account was operated by Amit Kumar Patel and Kholuram Patel. The statements of the witnesses would show that the present applicants were working as salary paid employees in the said company.
7. Considering the facts and circumstance of the case, the role played by the applicants, main allegations have been attributed to the persons operating the account and withdrawals were also made by them as appears that the applicants were not in the helm of affairs of the company and further considering the fact the present applicants were salary paid employees in the said company and the bank account was operated by Amit Kumar Patel and Kholuram Patel and also the fact that charge-sheet has been filed, the applicants are in jail since 1-6-2016, 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

Raju