

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5201 of 2016

- Om Prakash Awasthi S/o Late Kripa Shankar Awasthi, Aged About 49 Years R/o House No. 49, Muskan Residency, Lalpur, Police Station Tikrapara, Raipur, District- Raipur (Chhattisgarh) --- **Applicant**

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- Azad Chowk, Raipur, District- Raipur (Chhattisgarh) --- **Respondent**

MCRC No. 5212 of 2016

- Rajiv Giri @ Rajendra Giri S/o Tejvir Giri, Aged About 40 Years R/o Sector -2, Professor Colony, Thana - Puranibasti, Raipur, District Raipur Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station - Azad Chowk, Raipur District Raipur Chhattisgarh,--- **Respondent**

For the applicants	:	Mrs. Fouzia Mirza, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.09.2016

1. These are two bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.22 of 2016 registered at P.S. Azad Chowk, Distt. Raipur (C.G) for the offence punishable under Sections 420, 120B, 409/34 IPC and Sections 4 & 5 of Chit and Money Circulation Scheme Banking Act, 1978 and Section 10 of the CG Protection of Interest of Investors Act. Since both these bail applications are relating to same crime number, they are being disposed of by this common order.

2. As per the prosecution case, a report was lodged by one Shubham Sahu and others alleging that the Sunshine Infrabuild Corporation Ltd allured the depositors on the pretext of high returns and got the amounts deposited and when the maturity time came, the money was not returned. It is alleged that without permission of RBI and SEBI the Company has collected the deposits and defrauded the public at large. The allegation against the present applicants is that they were also instruments in collection of the deposits.
3. Learned counsel for the applicants submits that the applicants were working in the Company as ordinary employees and applicant Rajiv Giri @ Rajendra Giri alongwith his family members has also invested certain amount in the Company and he himself has been deceived. She further submits that being the employees no policy decision has been taken by the applicants and the Directors of the Company were Banwarilal Baghel, Vakil Singh, Surendra Singh Baghel, Rajvir Singh, Sanjeev Singh and Dharam Singh and Mukesh Singh. It is further submitted that the directors have been directed by SEBI to return the money to the investors which would go to show that the status of the applicants was merely employees and they were not holding high posts having major importance. It is also submitted that the charge sheet has been filed and the applicants are in jail since 27.04.2016, therefore, they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the charge sheet and the document. From perusal of documents and statements, prima facie, it appears that the applicants were working as agents. Further the order of SEBI shows that the applicants were not the directors and there

has been a direction by the SEBI to the directors to return the amounts collected from the investors/depositors.

6. Considering the role played by the applicants and further taking into fact that they were not able to take any principle decision as they were not in the helm of affairs of the Company as also the fact that the charge sheet in this case has been filed and the applicants are stated to be in jail since 27.04.2016, I am inclined to release them on bail.
7. Accordingly, the bail application are allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE