

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5508 of 2016

1. Prabhudayal Ujala, S/o. Late Harishankar Ujala, aged about 49 years, R/o. Ujala Bhawan Station Road, Durg, P.S. - Mohan Nagar, District – Durg (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, P.S. - Durg, District – Durg (C.G.)

---- Respondent

M.CR.C. No. 5570 of 2016

1. Suresh Soni, S/o. Late Raghunath Soni, aged about 45 years, R/o. Camp-2, Police Station Chhawani, Bhilai Nagar, Tahsil and District – Durg (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, P.S. - Chhawani, District – Durg (C.G.)

---- Respondent

AND

M.CR.C. No. 5576 of 2016

1. Manoj Soni, S/o. Late Naresh Soni, aged about 45 years, R/o. MIG-01, 492, Industrial Area, Housing Board, Bhilai, District – Durg (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : the Station House Officer Police Station – Chhawani, Police Station – Durg (C.G.)

---- Respondent

For Applicants

: Mr. Goutam Khetrapal, Advocate

For Respondent/State

: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/10/2016

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.347/2016, registered at Police Station – Chhawani, District – Durg (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code and Section 3, 4, 5 of Chit Fund Act (Inami Chit Fund and Parirakshan Scheme Pabandi Adhiniyam) and Section 10 of Chhattisgarh Protection of Depositors' Interest Act, 2005 (Chhattisgarh Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam).
2. Case of the prosecution, in brief, is that one company namely Tulip Global Pvt. Ltd. allured different persons through the applicants to deposit the money in the account of the company with an assurance that it will be doubled within a short period of time. Subsequently, the same having not been made and the office of the company was closed. It is further case of the prosecution that the said deposit was made without sanction of the RBI or SEBI. Thereby the offence has been committed.
3. Learned counsel for the applicants submits that the applicants were working as an employee in the said company as per the documents filed in case of Suresh Soni. It is further submitted that bank record would show that directors of the company are Prakash Chand Jain and Shashi Jain, who are resident of Jaipur and the present applicants were only working for remuneration and they have not

taken any policy decision on behalf of the company. It is further submitted that charge-sheet in this case has been filed and no further investigation is necessary and the applicants are in jail since 23.06.2016, therefore, the counsel prays that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that the company Tulip Global Pvt. Ltd. was registered at Rajasthan and the directors were shown as Prakash Chand Jain and Shashi Jain.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents filed in one of the matter, wherein the letters of the bank as also the documents of Tulip Global, shows that Prakash Chand Jain and Shashi Jain are the directors. The bank also confirmed the fact that Prakash Chand Jain and Shashi Jain were the directors and they were operating the account. Considering the facts involved in this case and taking into the fact that the applicants appear to be the employees of the company and they have not taken any policy decision on behalf of the company and further taking into the fact that charge-sheet in this case has been filed and the applicants are in jail since 23.06.2016, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram