

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6692 of 2016

- Mohan Kumar Munna S/o Shri Shatrughan Munna Aged About 51 Years R/o Lalpur, Shiv Chowk, in front of Ganjanad Kirana Store, Police Station Tikrapara Raipur , Chhattisgarh. ---

Applicant

Versus

- State of Chhattisgarh through Station House Officer Police Station Mohan Nagar, District Durg Chhattisgarh ---

Respondent

For the applicant	:	Mr. Y. C. Sharma, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.11.2016

1. This is first 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. 164/2016 registered at P.S. Mohan Nagar, Durg, Distt. Durg (C.G) for the offence punishable under Sections 420, 406, 409, 120-B, 34 of IPC and Section 10 of the Prize Chits & Money Circulation Schemes (Banning) Act 1978.
2. As per the prosecution case, the applicant who is one of the directors of the Company namely Susk India Company Limited and Shining Star Infrastate Ltd., had collected the amounts from different persons through the Company at Raipur, Durg and other places. It is alleged that applicant Mohan Kumar Munna was appointed as Director of Shining Star Infrastate Ltd., which too was involved in collection of amounts for money circulation with an assurance to return

the same with high rate of interest. However, the amounts were not returned, thereby the offence is committed. It is further alleged that the said collection and circulation of money was made without permission of the Reserve Bank of India or SEBI.

3. Learned counsel for the applicant would submit that applicant Mohan Kumar Munna was never in the role of the director of Susk India Co.Ltd., whereas he was appointed as a directors in Shining Star Infrastate Ltd., for a limited period of 3 months on salary basis. Subsequently having known the work of the Company, he resigned from the Company which would be evident from document Annexure D-2 and he has not taken any principal decision on behalf of the Company. He further submits that the charge sheet has been filed and the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the documents filed by the applicant in agreement dated 26th July 2012 as also the reply filed by the State. The documents would reveal that the applicant was in the helm of affairs by holding the posts of Director in Shining Star Infra-State Ltd., which also collected huge amounts along-with Susk India Ltd. Shining Star Infra-State Ltd., appears to be the sister concern of Susk India Limited. It would further reveal that Kailash Singh Lodhi is the Chairman of the Susk India Ltd., and his other family members namely Narendra Singh Lodhi, Anil Lodhi, Fatte Singh Lodhi were also given place in the Board of Directors of the Company. Similarly accused Lalit Pal was holding the post of Development Managing Director of Chhattisgarh wing. In addition, G.M. Sushil Sakar, Kanhailal Ojha and the applicants Mohan Kumar

Munna & Puranik Dewangan were also at the helm of affairs of the Company of Chhattisgarh. In the statements of victims, joint allegations have been attributed to Susk India Limited and Shining Star Infra-State Ltd.

6. The documents would show that the applicant was holding the post of director for certain period of time and his role cannot be carved out at this stage while hearing the bail application especially when the joint allegations have been attributed.
7. Taking into the totality of the facts and circumstances and the huge amounts were collected from the down trodden people alluring them with high returns and the way the organized offence has been committed, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**