

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6509 of 2016

1. Nohar Lal Sahu, S/o. Late Jiharu Ram Sahu, Aged About 46 Years, R/o. Gujrati Colony, Near H.P. Gas Godown, Dhamtari, Police Station City Kotwali, Tahsil & District Dhamtari, Chhattisgarh.
2. Manik Lal Sahu, S/o. Shri Anjori Ram Sahu, Aged About 35 Years, R/o. Village Tedesara, Police Station Somni, Tahsil & District Rajnandgaon, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Supela, Bhilai, District Durg, Chhattisgarh.

---- Respondent

For Applicants : Mr. Manish Upadhyay, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.11.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.560/2016 registered at Police Station- Supela, Bhilai, District Durg (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code and Sections 3, 4, 5, 6 of Price Chits & Money Circulation Scheme (Banning) Act, 1978 and Section 10 of Chhattisgarh Ke Nikshepako Ke Hito Ka Sanrakshan Adhiniyam, 2005.
2. Case of the prosecution, in brief, is that the applicants alongwith other co-accused on behalf of the Sunshine Infrabuild Corporation Limited allured the different persons numbering into 6769 and collected around Rs.18.00 Crores with a promise to return the same within a short period of time with high interest. However, the same was not returned, thereby the fraud has been committed. It is

further case of the prosecution that the said amount was collected without the permission of RBI or SEBI.

3. Learned counsel for the applicants would submit that the applicants were working as an Agent of the Company and they have not committed any offence. He further submits that the similarly placed co-accused namely Khemlal Sinha & Keshav Chandrakar have been enlarged on bail by this Court on 24.10.2016 in MCRC No. 6516 of 2016 and the case of the present applicants is similar to that case, therefore, the present applicants may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the similarly placed co-accused have been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, taking into fact that the applicants were working as an Agent of the Company and further considering the fact that the charge sheet has been filed and the similarly placed co-accused have already been enlarged on bail, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on 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.

Sd/-
(Goutam Bhaduri)
Judge