

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7206 of 2017

1. Dhaneshwar Kujur S/o Bifaiya Kujur, Aged About 40 Years Caste Uraon, R/o Below Ekta Stadium, Nursery Para, Vishrampur, Police Station Vishrampur, District Surajpur, Chhattisgarh.
2. Nirmala Minj, S/o Ambros Minj, Aged About 50 Years Caste Uraon, R/o 2 A Gorakhnathpur, Police Station Vishrampur, District Surajpur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Vishrampur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicants	:	Shri D.N. Prajapati, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

And

MCRC No. 7394 of 2017

Harkeshwar S/o Chainsai Aged About 28 Years Caste Rajwar, R/o Village Kuruwan, P. S. Vishrampur, Tahsil And District Surajpur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Vishrampur, District Jashpur Chhattisgarh

---- Respondent

For Applicant	:	Shri A.K. Prasad, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/12/2017

Heard.

1. MCRC No.7206 of 2017 and MCRC No.7394 of 2017 are being disposed off by this common order as all the applicants in these bail applications are arrested in connection with Crime No.194 of 2017 registered at Police Station-Vishrampur, District- Surajpur for alleged commission of offence under Section 420 read with Section 34 IPC.
2. Case of the prosecution is that the applicants floated a scheme of investment and high returns and induced the complainants to subscribe to the scheme and thus collected huge amount from number of depositors. It is alleged that applicants, despite demand, did not repay the amount as assured, to the complainants.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated. Mere non-payment of sum assured does not amount to cheating and present is a case of purely civil nature, to extract money through threat of criminal case.
4. Learned counsel for the State would submit that the applicants have collected huge amount in the name of a company stating it to be a case of investment with intention to cheat. Therefore, prima faice, case is not made.
5. Taking into consideration the nature of allegation, total amount involved in the case and that the investigation is complete, charge-sheet has been filed and the applicants are in jail since 09.09.2017, the applications are allowed.
6. 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/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge