

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1644 of 2017**

- Devali Ram Sahu S/o Late Shri Malik Ram Sahu, Aged About 46 Years, R/o Village Ahivara, Police Station Nandani, District Durg Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through: Police Station Pulgaon, District-Durg, Chhattisgarh.

---- Non-applicant**And****MCRC No. 6807 Of 2017**

- Smt. Gayatri Sahu W/o Shri Devali Ram Sahu, Aged About 43 Years, R/o Ward No.01, Village Ahivara, Police Station Nandani Nagar, District Durg Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Pulgaon, District Durg Chhattisgarh.

---- Non-applicant

For Applicants : - Shri Atanu Ghosh, Advocate.

For Non-applicant/State :- Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**23/11/2017**

1. As both the applications arise out of the same crime number, i.e. Crime No.293/2016 registered at P.S. Pulgaon, District Durg, C.G. for the offence under Section 420, 409, 120-B of the IPC and Section 4, 5 and 6 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978 and Section 10 of Chhattisgarh Ke Nikshepo ka Hito ka Sanrakshan Adhiniyam, 2005, they are being decided by this common order.
2. It is submitted by learned counsel for the applicants that these are first bail applications of the applicants under Section 439 of the Cr.P.C.

before this Court. Applicant Devali Ram Sahu is in jail since 09-09-2016 and applicant Smt. Gayatri Sahu is in jail since 21-01-2017. The applicants are innocent and have been falsely implicated in this case. Both the applicants were employed as agents of Sai Prasad Food Products Ltd. Believing in schemes and agenda of the said company, the applicants have worked as per instructions and directions given and all the collections made were deposited in the account of said company, the applicants have not been benefited by any of the investments/collection so made by the various depositors. The applicants have been discharged from the offence under Section 10 of Chhattisgarh Ke Nikshepo ka Hito ka Sanrakshan Adhiniyam, 2005 and the trial is pending before the JMFC, which is likely to take some time before its conclusion. Hence, it is prayed that the applicants may be enlarged on regular bail.

3. Learned counsel for the State/non-applicant opposes the applications and submission made. It is submitted that it was on the inducement given by the applicants, various depositors has made deposit in the said fake company which has winded up and the investors have been cheated with the help of these applicants. Hence, the applicants are not entitled for grant of bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. A complaint was given by Bhagwat Sahu alleging that the applicants met him as agents of Sai Prasad Food Products Ltd. on various occasions and induced him to withdraw the amount of retiral benefits from bank and invest it with the company. On the inducement so given, the complainant withdrew the amount and deposited in the company in the scheme as presented to him in the year 2013, for which attractive returns were promised, but no return was made. Thereafter, as the money was

not refunded by 2016, the complaint was made, on the basis of which the case has been registered against the applicants.

6. Considering on the submissions made and contents of the case diary and taking into consideration the facts that the applicants are local residents, their availability can be ensured by imposing conditions on grant of bail, the applicants are in jail for a quite some time, there is no likelihood of the trial to conclude in near future, no purpose would be served if they are kept in detention till conclusion of the trial, this Court is of the view that the applicants in both the MCRC deserves to be enlarged on bail in the present case.

7. Consequently, the applications (MCRC No.1644/2017 and MCRC No.6807/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby allowed. 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/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge