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HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4351 of 2017

Damrudhar Dansena, S/o. Shri Tulang Dansena, Aged About 57 Years, R/o. Village -Nimohi, P.S. and Tahsil - Dabhra, District -Janjgir- Champa Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : S.H.O. of the P.S. Bhupdevpur, District -Raigarh Chhattisgarh

---- Respondent

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M.CR.C. No. 4457 of 2017

Pradeep Kumar Jain, S/o. Nand Kishore Jain, Aged About 42 Years, Caste-Jain, R/o. Gourela, Pendra Road, District -Bilaspur Chhattisgarh Mob. No. 9630540541

----Applicant

Versus

State Of Chhattisgarh, Through :The Station House Officer, Police Station Bhupdevpur, Tahsil Kharsia, District- Raigarh, Chhattisgarh

---- Respondent

For Applicants	: Mr. Abhisek Saraf & Mr. Ashok Soni, Advocates
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/10/2017

1. Both the above bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. 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 on 26.04.2017 and 25.04.2017 respectively in

connection with Crime No.22/2017, registered at Police Station – Bhupdevpur, District – Raigarh (C.G.) for the offence punishable under Section 420, 120-B, 294, 506-B, 409, 34 of Indian Penal Code and Section 6 & 10 of the Chhattisgarh Protection of Depositors Interest Act 2005 and Rule 2015.

3. It is submitted on behalf of the applicant - Damrudhar Dansena that he was engaged as an agent of PALS Gold Real Estate India Ltd. and he himself has invested amount of Rs.3,90,000/- in the company as the company was giving assurance to return the maturity amount in double, hence, he himself is one of the victim and therefore, he prays that that he may be enlarged on bail.
4. Counsel for the applicant – Pradeep Kumar Jain submits that the applicant has never indulged in the business of said company and he has no knowledge as to how he has been implicated in this case. As per the information, his name has been included as one of the directors in the memorandum of association of the company and this has been done without any notice to him, hence, he can not be held responsible for the acts committed by the other directors of the company, hence he prayed that he may be enlarged on bail.
5. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the said PALS Gold India Limited was not proper and legally registered company for taking deposits from any of the investors. It is further submitted that this company had no authorization from Reserve Bank of India and neither had any authorization from SEBI, even then the directors of the company and the agents employed,

allured the investors to invest huge amount in the company, thereby having committed the offence of cheating and conspiracy etc. The applicant – Pradeep Kumar Jain is shown as one of the directors in the memorandum of association of the company seized in the investigation, hence, he can not be absolved from responsibilities of the offence committed. Further the applicant – Dhamrudhar Dansena in capacity of agent of the company has induced various other persons to make deposit in the company, hence, both the applicants are not entitled for grant of bail.

6. I have heard the learned counsel for both the parties and perused the case diary.
7. Considering the submission made and the contents of the case diary with regard to the applicant – Damrudhar Dansena, looking to the fact that he is agent of the company and he himself has invested a huge amount in the company, a different case is made out in his favour. Taking into consideration such facts, this Court is inclined to release the applicant – Damrudhar Dansena on bail.
8. With respect to the applicant -Pradeep Kumar Jain, he being one of the director of the company, can not be absolved from the responsibilities of the offence committed. Considering such facts, this Court is not inclined to release the applicant – Pradeep Kumar Jain on bail.
9. Accordingly, the bail application of the applicant – Damrudhar Dansena bearing M.Cr.C. No.4351/2017, under Section 439 of the Cr.P.C. is allowed and the bail application of the applicant –

Pradeep Kumar Jain bearing M.Cr.C. No.4457/2017 is hereby rejected.

10. It is directed that applicant – Damrudhar Dansena shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram