

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4534 of 2017**

- Rakesh Anant S/o Rattiram Anant, Aged About 28 Years Occupation Service, R/o Anant Nivas, Pragati Maidan, New Mandi Gate, Pandri, Police Station Pandri, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Rajkumar Pali, Advocate
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22.8.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who have been arrested in connection with Crime No.51/2016 registered in Police Station City Kotwali, Distt. Raigarh for the offence punishable under Sections 420, 409, 120B of the Indian Penal Code and Sections 4, 5 & 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Section 6(5)(10) of the Chhattisgarh Protection of Depositors Interest Act, 2005.

3. Learned counsel for the applicant submits that the applicant has been arrested on 15.02.2016, the matter is pending before Special Judge under the Chhattisgarh Protection of Depositors

Interest Act, 2005, Raigarh as Special Criminal Case No.05/2016.

Learned counsel for the applicant would submit that he is not aware whether co-accused Raj Kumar Banerjee, Dolly Banerjee and Moushami Banerjee have preferred any bail application. (A perusal of the office note dated 18.8.2017, it appears that only present applicant has preferred bail application in connection with Crime No.51/2016, City Kotwali, Raigarh). Learned counsel for the applicant would submit that the applicant was the employee of the said company, he gave his resignation and has never involved in any of the crime as his name is not surfaced in the FIR, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant.

5. Perused the entire material.

6. In the present matter the concerned Company where the applicant was working as an employee, an amount of Rs.92,45,871/- has been deposited by the investors, the same has not been returned to them and also interest was also not given to them. The applicant was working as Director/HR Manager in the said company and also on perusal of the statement of the witnesses recorded under Section 161 CrPC, prima facie surfaces the involvement of the present applicant in the crime.

7. On due consideration, I am not inclined to grant bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

9. After perusal of the list of other connected matters pending or disposed of by the High court, it appears that the concerned employee Shri Rajeev Kumar Sharma under his signature gave details regarding 13 cases either pending or disposed of. Out of the said detail, only Item No.1 is in relation with present matter and all other matters from Item No.2 to 13 are in relation with Crime No.251/16, Police Station Kotwali. On being asked, the concerned employee informed the court that while generating the crime No.51/16, the computer automatically generates other matters registered under Crime No.251/2016.

10. With the above facts if true, may give confusion while appreciating as to how many matters are pending.

11. Registrar (Judl.) is directed to examine the said fact and if the statement of the said employee is correct, then prepare a device/action measure so that information in relation with other crime number may not be generated automatically. If the statement of said employee is incorrect, then appropriate disciplinary action be taken against the employee under intimation.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE