

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 598 of 2017

- Pawan Patel S/o Gorelal Patel, Aged About 40 Years R/o Village Dhuma, Police Station Masturi, District- Bilaspur, Chhattisgarh.

--- Petitioner

Versus

- State of Chhattisgarh through Station House Officer Police Station Tarbahar, District- Bilaspur, Chhattisgarh.

--- Respondent

For the applicant : Mr. C.J.K. Rao, Advocate.
For the State : Mr. Anupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.10.2017

1. Apprehending arrest in connection with Crime No. 83/2017 registered at Police Station Tarbahar, Distt. Bilaspur (C.G), for the offence punishable 409 & 420 of IPC the applicant has filed this bail application for enlarging him on anticipatory bail.
2. As per the prosecution case, a report was made by the complainant Vyas Narayan Yadav and others that at the behest of the present applicant, different amounts were deposited in B.N. Gold and B.N.G. Company through their office opened at Rajeev Plaza, Bilaspur and different investors were allured to invest the money in the Company so that the money can be returned with high rate of interest within a short period of time. Consequently under the different policies, the money was deposited by the local investors. However, when

the maturity period came, the office of the Company was closed and the entire staff fled away. It is further case of the prosecution that the amount of deposits so collected was circulated without obtaining valid permission of the R.B.I./SEBI., thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant himself has invested in the Company and he along-with other relatives have deposited the amount of Rs.9,35,895/- in different schemes of the Company which too was not returned. It is further contended that the applicant himself has made two reports on 17.12.2015 and 24.5.2016 to the concerned Police Station, however, no actions were taken and instead the applicant himself has been inculpated in this case.
4. Per contra, learned State Counsel opposes the anticipatory bail and submits that he has filed reply on behalf of the State.
5. Admittedly, the appellant has been still at large. The charge sheet shows that applicant Pawan Kumar Patel is absconding and it is recorded that after he is arrested, necessary interrogation will be made and the additional charge sheet may be filed.
6. Perused the case diary and the statements of Vyas Yadav, Sushila Suryawanshi, Smt. Kanti Purre, Surendra Kumar Singh and others.
7. Considering the fact that the applicant is absconding and the charge sheet has been filed and taking into consideration the nature of case, it cannot be said that the custodial interrogation of the applicant would not be

required. Consequently I am of the opinion that that this is not a case where the benefit of section 438 Cr.P.C., can be granted to the applicant. Accordingly, it is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**

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