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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5484 of 2017

- Amit Aman Singh S/o Shri Sanjay Singh, Aged About 28 Years, R/o Hanuman Nagar, House No.15, Ward No.21, Mohan Nagar, P. S. Mohan Nagar, Tehsil Civil & Revenue District Durg (Chhattisgarh).
- Pranav Lonhare S/o Thakur Ram Lonhare, Aged About 28 Years, R/o Vardhaman Nagar, Poonam Colony, Behind Glucose Factory, Rajnandgaon, P. S. City Kotwali, Tehsil, Civil & Revenue District Rajnandgaon, Chhattisgarh.
- Suresh Kumar Aadbung, S/o Basant Aadbung, Aged About 21 Years, R/o Village Ulama, Tehsil Komna, P. S. Komna, District Nuapada (Orissa).
- Sunil Nageshwar S/o Roshan Lal Nageshwar, Aged About 26 Years, R/o Near Choudhary Dairy, Asha Nagar, Durg, P. S. Mohan Nagar, Tehsil, Civil & Revenue District Durg, Chhattisgarh.
- Ishwar Verma S/o Panchram Verma, Aged About 23 Years, R/o Village Pakhor, Utai, P. S. Utai, Tehsil Civil & Revenue District Durg, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate Bilaspur, District Bilaspur (Chhattisgarh).

---- Non-applicant

And

MCRC No. 4808 Of 2017

- Dileshwar Kumar Yadav S/o Baliram Yadav, Aged About 23 Years, R/o Jevratal, Post Office- Mohara, Tahsil & Police Station - Gurur, District - Balod Chhattisgarh.
- Nimish Nirmalkar S/o Shri Govind Ram Nirmalkar, Aged About 23 Years, R/o Village Panduka, Tahsil - Chhura, District Gariyaband Chhattisgarh.

---- Applicants

Vs

- State Of Chhattisgarh Through Station House Officer, Police Station- Mohan Nagar, District - Durg Chhattisgarh.

---- Non-applicant

For Applicants – Shri Jaydeep Singh Yadav, Advocate (in MCRC No.5484/2017),
Shri Awadh Tripathi, Advocate (in MCRC No.4808/2017).
For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-11-2017

1. As both the matters arise out of the same crime number, i.e., Crime Number No.258/2017 registered at Police Station Mohan Nagar, District Durg, C.G. for the offence under Section 420/34 of the IPC, they are being decided

by this common order.

2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants.

3. It is submitted that the applicants have been falsely implicated in this case. The applicants in both the cases were employed by Gurukul Management & Marketing Ltd. Company, its the headquarters situated in Delhi. The applicants were functioning on behalf of the company making collection and depositing the same with the company account, the applicants are not beneficiaries of any of the amount collected. The applicants are ready to abide by all the conditions imposed on grant of bail. The case is triable by JMFC. The investigation has been completed and the charge sheet has been filed. Hence, in these circumstances, it is prayed that the applicants may be enlarged on bail.

4. Learned counsel for the State/non-applicant opposes the applications and submission made in this respect. It is submitted that in the memorandum statement of Amit Aman Singh he has admitted about the collection of amount done on behalf of the company from the various depositors. The statement of witnesses under Section 161 of the Cr.P.C. also demonstrates clearly commission of offence by the applicants. Hence, for these reasons the applicants are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. As per the case, one advertisement was published in the daily newspaper inviting the applicants for appointment to the post of Clerk, Store-keeper, Manager, Assistant Manager etc., on the basis of which complainant Sanjay Kumar and others approached to the local office mentioned by the applicants in Durg. After submission of forms, the complainant and others were made to deposit Rs.8,300/- for registration, issuance of ID, hostel charge, food

charge etc., who were in turn, to be trained for marketing herbal products. As per the agreement between the complainant and others with the applicants, the complainant and others were to receive commission on the products marketed and sold by them. As alleged by the witnesses in this case, the applicants misbehaved and misled the witnesses, being aggrieved with that the FIR was lodged in P.S. Mohan Nagar. On investigation, police had found that the said company has no authority, authorization to run its business in the State of C.G. and further it has no authorization to receive any amount as fees etc. from any person, hence, it is a case of fake authorization, promises given by the applicants in this case.

7. Considering on the submissions, contents of the case diary, and looking to this fact that the applicants Amit Aman Singh, Pranav Lonhare, Suresh Kumar Aadbung, Sunil Nageshwar, Dileshwar Kumar Yadav and Nimish Nirmalkar are in jail since 04-06-2017 and applicant Ishwar Verma is in jail since 24-06-2017, their availability before the trial Court can be ensured, the case is triable by the JMFC, the charge sheet has already been filed, in the considered view of this Court, keeping the applicants in custody till conclusion of the trial is not going to serve any purpose, hence, for these reasons the applicants should be enlarged on bail.

8. Consequently, both the applications (MCRC No.5484/2017 and MCRC No.4808/2017) 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 each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge