

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1225 of 2016

- Pankaj Vishwas S/o Pran Vishwas Aged About 29 Years R/o Village Subhash Nagar, Post Office Raghavpuri, Police Station Gandhinagar, Tahsil- Ambikapur, District Surguja, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh S/o through Police Station Gandhinagar, District Surguja, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Rakesh Kumar Jha, Advocate
For the Respondent	: Mr.Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice MANINDRA MOHAN SHRIVASTAVA

Order on Board

23.02.2017

1. This is an application filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the applicant in connection with Crime No. 88/2016 registered at Police Station Gandhinagar, Ambikapur, Distt. Surguja (C.G) for the offence punishable under Sections 420, 506/34 of IPC.
2. As per the prosecution case, a company named Steadfast Infra Pro. Ltd., allured different persons to deposit the money in the Company with an assurance to return the same with high rate of interest. Few of the Company people and the applicant also allured different persons to deposit the amount in the said Company and consequently certain amounts were deposited. Eventually the Company was closed and no amount was returned to the depositors. The said collection of the amount was made without the sanction/ approval of the RBI or SEBI. The applicant also allured different persons to deposit the money, thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant was neither an agent nor any director of the Company and the director and agents were some other persons namely Yogesh Mahadevpuri, Arunanshu Das, Krayshu Mahadevpuri who had committed the offence. He further submits that the charge sheet in this case has been filed and no evidence is available against the present applicant to show that the applicant was working as a director or agent of the Company. Therefore, the counsel prays that the applicant may be extended the benefit of Section 438 Cr.P.C.
4. Per contra, learned State Counsel opposes the grant of bail and submits that the bail application of other accused namely Prafulla Das against whom similar allegations were levelled has been rejected by the coordinate Bench of this Court in M.Cr.C(A).No.813 of 2016 decided on 27.10.2016.
5. Perused the case diary, documents and the statement of Sanjeev Bose wherein joint allegations have been attributed to the present applicant. Taking into such statement and the fact that the bail application of similarly placed accused has been rejected by the coordinate Bench of this Court, I am of the view that it is not a case where the benefit of section 438 Cr.P.C., can be extended to the present applicant as it cannot be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicant. Accordingly, this bail application is rejected.

Sd/-

**MANINDRA MOHAN SHRIVASTAVA
JUDGE**