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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6806 of 2017

- Sunil Kumar Panda S/o Trinath Panda, Aged About 42 Years, Cast Bramhan, R/o Village Ramnagar, 1st L.R.N. 1/51 Lanchipali, Barampur Road, Thana B.H.Pur Distt. Ganjam (Odisha) At Present R/o Sahid Nagar, Bhuvneshwar (Odisha)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chirmiri, District Koriya, Chhattisgarh

---- Non-applicant

And

MCRC No. 6611 of 2017

- Ashish Jaiswal S/o Shri Harishchandra Jaiswal, Aged About 43 Years, Caste Kalar, R/o Gandhi Nagar, Behind Balram Talkies Bilaspur, Police Station Civil Line, Tahsil Civil and Revenue District Bilaspur Chhattisgarh.
- Pulkit Akash Banwar S/o Late P.A. Banwar, Aged About 41 Years, Caste - Christian, R/o Om Nagar, Jarhabhata, Near Little Flower School, Police Station Civil Line, Tahsil Civil and Revenue District Bilaspur Chhattisgarh.
- Pradyuman (wrongly mentioned as Praduman in the order sheet) Kumar Sahoo @ Jeepu S/o Prasanna (wrongly mentined as Prasanne in the order sheet) Kumar Sahoo, Caste Sundhi, Aged About 30 Years, R/o Etkha Chanli, Post Ghughudipara, Police Station Daskala, District Nayagarh, Orissa, Present R/o Kalindi Kunj, Ring Road - 2, House of Jayant Agrawal, Police Station Civil Line, Tahsil Civil and Revenue District Bilaspur Chhattisgarh.
- Dharmendra Singh Yadav, S/o Shri Ram Singh Yadav, Aged About 40 Years, Caste - Ahir, R/o Madail, Police Station Saini, District Kosambi Uttar Pradesh, Present R/o Parijat Colony, Quarter No. 06, Block - F, Near Janpad Mandir, Nehru Nagar Bilaspur, Police Station Civil Line, Tahsil Civil and Revenue District Bilaspur Chhattisgarh.

---- Applicants

Vs

- State Of Chhattisgarh Acting through Chirmiri, Civil and Revenue District Koriya Chhattisgarh.

---- Non-applicant

And

MCRC No. 6758 of 2017

- Pradyuman (wrongly mentioned as Praduman in the order sheet) Kumar Sahoo S/o Prasanna Kumar Sahoo , Caste Sundhi , Aged About 30 Years, R/o Etkha Chanli, Post Ghughudipara, Police Station Daskala, District Nayagarh, Orissa, Present R/o Kalindi (wrongly mentioned as Kali Mandir) Kunj, Ring Road - 2 House of Jayant Agrawal , Police Station Civil Line, Tahsil , Civil & Revenue District Bilaspur Chhattisgarh.
- Dharmendra Singh Yadav S/o Ram Singh Yadav, Aged About 40 Years, Caste Ahir, R/o Madail, Police Station Saini, District Kosambi Uttar Pradesh, Present R/o Parijat Colony, Quarter No. 06, Block - F, Nehru Nagar, Behind Gajanand Mandir, Bilaspur Police Station Civil Line, Tahsil Civil & Revenue District Bilaspur Chhattisgarh.
- Ashish Jaiswal S/o Harishchandra Jaiswal, Aged About 43 Years, Caste Kalar, R/o Behind Balram Talkies Bilaspur, Police Station Civil Line Tahsil Civil & Revenue District Bilaspur Chhattisgarh.
- Pulkit Akash (wrongly mentioned as Aakar in the order sheet) Banwar S/o Late P. A. Banwar, Aged About 41 Years, Caste Christian, R/o Om Nagar, Jarhabhata, Near Little Flower (wrongly mentioned as Littlefalawar in the order sheet) School, Police Station Civil Line, Tahsil, Civil & Revenue District Bilaspur Chhattisgarh.

---- Applicants

Vs

- State Of Chhattisgarh Acting through Officer In Charge, Police Station Manendragarh, Civil & Revenue District Koriya Chhattisgarh.

---- Non-applicant

And

MCRC No. 6813 Of 2017

- Sunil Kumar Panda S/o Trinath Panda, Aged About 42 Years, Cast – Bramhan, R/o Village Ramnagar, 1st L. R. N. 1/51 Lanchipali, Barampur, Thana Bramhpur District Ganjam (Odisha), At Present R/o Sahid Nagar, Bhuvneshwar (Odisha).

---- Applicant

Vs

- State Of Chhattisgarh Through Police Station Manendragarh, District Koriya Chhattisgarh.

---- Non-applicant

For Applicants – Shri Suresh Tripathi and Shri Sanjay Agrawal, Advocates (in MCRC No.6806/2017 and MCRC No.6813/2017), Shri K.A. Ansari, Senior Advocate with Shri Vipin Singh, Advocate (in MCRC No.6611/2017 and MCRC No.6758/2017)

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

28-11-2017

1. All these four matter, i.e., MCRC No.6806/2017, MCRC No.6611/2017, MCRC No.6758/2017 and MCRC No.6813/2017 are being decided by this common order.

2. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants. Applicant in MCRC No.6806/2017 has been arrested on 22-07-2017 and applicants in MCRC No.6611/2017 have been arrested on 27-08-2017 in connection with Crime No.79/2016 for the offence under Section 420/34 of the IPC, Section 5, 6 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978 and Section 10 of C.G. Protection of Depositors Interest Act, 2005, registered at P.S. Chirmiri, District Koriya, C.G. and the applicant in MCRC No.6813/2017 has been arrested on 06-09-2017 and applicants in MCRC No.6758/2017 have been arrested on 27-08-2017 in connection with Crime No.336/2016 for the offence under Section 420/34 of the IPC, Section 5, 6 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978 and Section 10 of C.G. Protection of Depositors Interest Act, 2005, registered at P.S. Manendragarh, District Koriya, C.G.

3. On behalf of applicant Sunil Kumar Panda in MCRC No.6806/2017 and MCRC No.6813/2017 it is submitted that the applicant has been falsely implicated in this case. The applicant is neither director of the company nor agent. Simply for this reason that he has been named by some of the witnesses, he has been made accused in this case. As

alleged that the offence has been committed by the Supertech Projects and Construction Private Limited, the applicant has nothing to do with the said company. He has never been engaged in taking any deposits or met any of the persons who are alleged to have been cheated by the said company. Hence, it is prayed that he may be granted regular bail.

4. Learned counsel for applicants Pradyuman Kumar Sahoo and Ashish Jaiswal in MCRC No.6758/2017 MCRC No.6611/2017 submits that both the applicants have been falsely implicated. The company which the applicants represent is totally a separate company and has no connection with the Green India Company and Society. The project of the company was to purchase landed property and distribute the plots to the investors. A memorandum of understanding was entered between the Supertech Projects and the Green India Parivar (Green India Properties Private Limited) as per Annexure -A/8, according to which it was agreed that plots will be distributed to the investors and Rs.4 crores was to be transferred by the Green India Properties Private Limited for the said project. The investments made by the complainant and others, in reality pertained to an agreement to purchase. The applicants have on behalf of Supertech Projects acquired the lands and are still ready to perform their part by transferring plots as agreed to the investors. Hence, no offence of cheating has been committed by them and these applicants are not responsible for the acts of Green India Parivar or Green India Private Limited. The main accused Pradeep is absconding. Hence, it is prayed that the applicants may be granted regular bail.

5. Learned counsel for the State/non-applicant opposes the applications and submissions made in this respect. It is submitted that

the documents filed by applicant Pradyuman and others and applicant Ashish Jaiswal are not part of the charge sheet, hence, these documents cannot be referred to for consideration of grant of bail to the applicants.

6. It is submitted by learned counsel for the State that a written complaint in Crime No.79/2016 registered in P.S. Chirmiri by Vipin Chandra Singh stating that Green India Parivar/ Supertech Construction Private Limited have committed fraud by taking investment from various persons giving allurements that the investments made shall be used for purchase of plots. Collection was made to the tune of Rs.8,65,63,750/-, but no such transfer of plots were made. On approaching the directors and other office bearers of the said companies, an agreement was made in which it was agreed that all the plots will be transferred by registered sale-deed within 12 months from the date of the agreement. The said agreement was produced in the concerned police station. But, after the completion of said period as agreed in the agreement, no transfers were made by the directors and office bearers of the said company. Hence, a complaint was filed, on the basis of which, offence has been registered against the applicants and others. Similar complaint has been lodged against the other applicants in P.S. Manendragarh alleging commission of offence of fraud and cheating on the information given by Manoj Kumar Mandal. Complaint in Crime No.336/2016 is of similar nature.

7. It is further submitted by learned counsel for the State/non-applicant that there are clear allegations against the applicants in all the cases that they had been engaged in taking collection from various depositors and have deliberately not performed the promises and they have simply cheated the investors. Therefore, the applicants in all the

cases are not entitled for grant of bail.

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

9. On perusing the case diary, it appears that originally Pradeep Kumar Singh and Sunil Kumar Panda with the help of others constructed 9 numbers of companies, namely Green India Properties Private Limited, Green India Infra Projects Limited, Green India Retailing Private Limited, Green India Agrivet Limited, Green India Shares and Securities Private Limited, Green India Beverage and Foods Private Limited, Green India Media and Entertainment Private Limited, Green India hotels and Resorts Private Limited and Supertech Projects and Constructions Private Limited. Money was raised from various depositors and investors for all these companies, alluring the depositors with attractive returns and no returns were made to the investors. In the present cases against the applicants, the applicants publicized to make investments in Green India Parivar/Supertech Construction Private Limited, inviting the depositors and promising plot of land in return. After taking deposits in different schemes, the office in Manendragarh and Chirmiri area were closed and all the office bearers and employees went in hiding, because of which the complaint has been lodged in both the cases.

10. Taking into consideration the magnanimity of the offence committed, the arguments as submitted on behalf of the applicants about their intention to perform their part cannot be regarded as bonafide at this stage, because the applicants and others were not available to the investors before their arrest to show their bonafide. As regards the material in the investigation against applicant Sunil Kumar Panda in MCRC No.6806/2017 and MCRC No.6813/2017, the same appears to

be sufficient for prosecution and at this stage it cannot be made out that there is no case against him. Hence, for these reasons, none of these applications deserves to be allowed. Hence, all the applications are hereby rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge