

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8685 of 2016

- Bisahu Lal S/o Shri Hemlal Sahu R/o Village Devri, Police Station Shivrinarayan, District Janjgir- Champa, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through The Police Station Devendra Nagar, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. N. Naha Roy, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-03-2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 10-4-2016 in connection with Crime No. 44 of 2016, registered at Police Station Devendra Nagar, District Raipur (CG) for the offence punishable under Sections 420/ 34 of the IPC. Earlier first bail application was dismissed on merits on 18-10-2016.
2. As per prosecution case, a report was made by the complainant Shanti Bai that she deposited amount in Jai Maa Adhanvarsa Real Estate Private Limited on 26-4-2013 and the amount was assured to be repaid with high interest. Subsequently, the office was closed and the company and the officers fled away and the said circulation of the amount was without sanction of the RBI or SEBI and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that after rejection of the first bail application on 18-10-2016, the entire amount has been paid to the complainant Shanti Bai with whom only transaction took place and no amount was taken by any other person. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 10-4-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. State counsel was directed to verify the documents whether any other amount was received by the applicant on behalf of the company from other investors. On a query being made specifically, the State counsel submits that only one statement of complainant Shanti Bai is recorded in the charge-sheet.
6. I have heard learned counsel for the parties, perused the case diary and documents.
7. From perusal of the documents, it appears that only complainant Shanti Bai had deposited the amount in the company and the entire amount has been paid to her by the applicant by demand draft.
8. Taking into consideration all the facts and circumstances of the case, considering the fact that only complainant Shanti Bai had deposited the amount in the company and the entire amount has been paid to her by the applicant by demand draft and also the fact that charge-sheet has been filed and he is in jail since 10-4-2016, I am inclined to allow this bail application.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be

released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed.

10. However, it is made clear that any observation made in this bail petition shall not be influenced by the trial Court while deciding the case on merits.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju