

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1651 of 2017

- Vishnu Patel S/o Ranchore Patel Aged About 40 Years Caste-Ghati, R/o Jagmal Pipaiya, Post Office & Police Station Khudel, Tahsil & District Indore, Madhya Pradesh. --- **Applicant**

Versus

- State of Chhattisgarh through District Magistrate Officer, District- Dhamtari, Chhattisgarh. --- **Respondent**

For the applicant	:	Dr. Shailesh Ahuja, Advocate
For the State	:	Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.06.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 258/2015 registered at P.S. City Kotwali, Distt. Dhamtari (C.G) for the offence punishable under Sections 420, 409/34 of IPC.
2. As per the prosecution case, the applicant being director of Sanjeevni Group of Company allured different persons to deposit money and had collected certain amounts from the different depositors with an assurance to return the same with double amount within a short period of time. Subsequently, different amounts were deposited by more

than 300 people. However, the Company all of a sudden was closed and the amounts were not refunded. Consequently, a report was made. It is also case of the prosecution that the said collection of money was without sanction of the Reserve Bank of India or SEBI and the money was circulated.

3. Learned counsel for the applicant would submit that 4 persons namely Mridul Singh Chouhan, Shyamlal Hirwani, Ashok Patel and Anirudh have been enlarged on bail by this Court on different dates and the case of the present applicant is also similar to that of persons who have been enlarged on bail. It is further submitted that as per the charge sheet, the brother of applicant is director and the applicant is not the director, therefore, the applicant is not involved and no case is made out against him. He relies upon a case law reported in *2017 Cr.L.R. (SC) 190 – Manoranjana Singh @ Gupta Vs. Central Bureau of Investigation* and would submit that in the like nature of case, the Supreme Court granted bail to one of the Directors of the Chit Fund Company, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned State Counsel vehemently opposes the same and would submit that there is no change of circumstances and the case of other 4 accused who have been enlarged on bail by this Court is on different footing as they were the employees of the Company. He further submits that the status of the present applicant was different as he was working as Managing Director of the Company.
5. Perusal of the bail orders would show that the cases of other 4 persons have been enlarged on bail are different from that of the present applicant as he was holding the post of

Managing Director of the Company. Therefore looking to the the status of the present applicant and the fact that the earlier bail rejection order dated 20.07.2017 appears to be on merits, I do not find any change of circumstances to reconsider the same. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**

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