

NAFR

IGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2802 of 2017

- Amit Kumar Sahu S/o Sambhar Lal Sahu Aged About 33 Years R/o Village And Post Sothi, Police Station Bamhanidih, District Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through S.H.O. Police Of Police Station Pratappur, District Surajpur, Chhattisgarh.

---- Respondent

&

MCRC No. 3073 of 2017

- Kanhaiya Lal Gond S/o Nanki Ram Gond Aged About 34 Years R/o Villalge And Post Sorthi, Police Station Bamhanidih, District- Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through: Station House Officer Police Station Pratappur, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Atnu Ghosh, Advocate

For Respondent/State : Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11-05-2017

1. Since both the bail applications arise out of same Crime No. 47 of 2016 which are common in nature, they are heard analogously and are being disposed of by this common order.
2. These are second bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 1-6-2016 in connection with

Crime No. 47 of 2016, registered at Police Station SHO Pratappur, District Surajpur (CG) for the offence punishable under Section 420 read with Section 34 of IPC and Sections 4, 5 and dd6 of the Prize Chits and Fund Operation Scheme Prohibition Act, 1978 and Section 10 of CG Protection of Interest Depositors Act, 2005.

3. Case of the prosecution, in brief, is that a report was made by the complainant that the Shinning India Real Estate & Dairies Limited allured the different people to deposit the money in their account with assurance to return the same with double and also assured that at the end of maturity some real estate property shall also be given to the depositors. Consequently, different amounts were deposited by the persons from Bilaspur, Pratappur, Surajpur and also from different places. Subsequently, neither the amount so deposited by the customers was returned nor any real estate property was given to them. According to the prosecution, the said company was not authorized by Securities and Exchange of India (SEBI) & Reserve Bank of India to collect the amount for like nature.
4. Learned counsel appearing for the applicant would submit that out of total 30 witnesses, 13 witnesses have been examined in this case and they have not stated anything against the applicants, therefore, they may be released on bail.
5. On the other hand, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel for the parties, perused the case diary and documents

7. Considering the fact that out of total 30 witnesses 13 witnesses have been examined and the proceeding in the trial is not exorbitantly delayed, I do not find any reason to adjudicate the matter for consideration of bail by evaluating the statements of few of the witnesses as it would amount to usurping the power of the trial Court. In view of this, I am not inclined to allow the instant bail applications.
8. Accordingly, the second bail applications filed under Section 439 of the Cr.P.C are liable to be and are hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju