

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3246 of 2017

- Pankaj Narwariya S/o Umesh Singh Narwariya, Aged About 30 Years Occupation Private Servant, R/o Jarar, Post Jarar, Tahsil & District Agra, Uttar Pradesh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Kotwali, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Chandresh Shrivastava, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18-5-2017

1. This is the 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 in connection with Crime No. 188 of 2015, registered at Police Station Kotwali, District Dhamtari (CG) for the offence punishable under Sections 420, 409 & 120-B of the IPC.
2. Case of the prosecution, in brief, is that one Company namely BNP Insurance & Investment Service Ltd. opened its Branch in Chhattisgarh at different places at Dhamtari, Balod, Gariyaband & Durg etc. and collected money from different depositors with an assurance to double the same within a short period of time and over all in Chhattisgarh collected more than Rs. 17 Crore from more than 27,000 peoples and at Dhamtari around 8000 people invested money, which inflated to more than 5 Crore.

Subsequently, the Company was closed and the renewal certificate and bonds were given to the depositors against the amount paid of Alaukik Nirman instead of BNP Company, thereby the said collection of money was made without any permission from the RBI or SEBI. The present applicant Pankaj Narwariya was working as Branch Manager at Dhamtari, thereby the offence has been committed.

3. The instant bail petition has been filed along with the order passed by Hon'ble Supreme Court in Special Leave to Appeal (Cri) CRLMP No. 5947 of 2017 wherein liberty is given to the applicant to repeat the bail petition before this Court. The order of the Hon'ble Supreme Court records that submission was made before Hon'ble Supreme Court that one of the Directors had been given bail and the applicant was only Computer Data Operator, therefore, on the ground of parity he may file the bail petition before this Court.
4. Learned counsel appearing for the applicant would submit that the applicant is in jail since 10-1-2016 and one of the Directors was granted bail, therefore, he may be released on bail on the ground of parity.
5. On the other hand, learned State counsel opposes the prayer for grant of bail. State counsel was directed to enquire about the bail granted to one of the Directors. State counsel would submit that bail was granted to Smt. Genda Bai in Crime No. 196 of 2012 on 10-3-2014 and the bail was considered on the ground that she was shown to be wife of Raghavendra Singh Narwariya and certain papers of dissolution of marriage were signed by the husband, who was the Director of BNP India Developers and Infrastructures Ltd.

and thereafter dissolution of marriage had taken place and she had not played any role. Taking into such facts bail was granted to her.

6. I have heard learned counsel for the parties, perused the case diary and documents.
7. Perused the order dated 10-3-2014 passed by this Court in M.Cr.C.No. 570 of 2014 which would show that bail was granted in connection with Crime No. 196 of 2012 whereas crime number in this case is 188 of 2015. Bail was granted to Genda Bai on the ground that she was said to be wife of Raghavendra Singh Narwariya and dissolution of marriage had taken place in between Genda Bai and Raghavendra Singh Narwariya, who is one of the Directors of the company. The case of the present applicant appears to be different, therefore, bail cannot be considered on the ground of parity as primarily crime number was different and the ground on which bail was given to her is that she being wife of Raghavendra Singh Narwariya, who is also one of the Directors of the company.
8. Taking into consideration the facts and circumstances of the case and further considering the above facts, I do not find any change of circumstances to reconsider the repeat bail petition.
9. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is also liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju