

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5142 of 2017

Arunanshu Das, S/o. Tarun Kumar Das, Aged About 33 Years, R/o. Janki Apartment, New Prena Nagar, Near Shiv Mandir, Nagpur (Maharashtra)

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Gandhi Nagar, Ambikapur, District Surguja (Chhattisgarh).

---- Respondent

For Applicant : Mr. Sandeep Dubey, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.09.2017

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 in connection with Crime No.88/2016 registered at Police Station- Gandhi Nagar, Ambikapur, District Surguja (C.G.) for offence punishable under section 420 read with Section 34 of Indian Penal Code. The earlier bail application was dismissed on 03.01.2017 in MCRC No.4684 of 2016.
2. As per the prosecution case, the applicant who is the Director of the Company namely Steadfast Infra Pro. Ltd. opened a branch at Ambikapur and collected money from different persons in order to return the same with a high interest at the end of maturity. Different amount was collected by the Company at different point of time and certain amounts were returned for few months, subsequently, office of the Company was completely closed and all the officials fled away. The said circulation of the money was made without sanction of RBI or SEBI.
3. Learned counsel for the applicant submits that the similarly placed accused Yogesh Mahadevpuri has been enlarged on bail in MCRC

No.5554 of 2017 on 11.09.2017 and the present applicant lodged in jail since 14.04.2016. He further submits that the case of the present applicant is similar to that of other accused who has been enlarged on bail, therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the similarly placed accused has been enlarged on bail by the order dated 11.09.2017 in MCRC No.5554 of 2017.
5. Perused the order dated 11.09.2017 passed in MCRC No.5554 of 2017 wherein the other accused was bailed out. Perusal of the order would show that the other accused has been given liberty by the Hon'ble Supreme Court by order dated 19/04/2017 to repeat the bail application after expiry of three months and it was also observed that if such application is moved period of custody may be taken into consideration.
6. Taking into fact that the present applicant is also lodged in jail since 14/04/2016 and the other similarly placed accused Yogesh Mahadevpuri has been enlarged on bail when the bail application was moved as per the liberty given to him by the Supreme Court and further considering the fact that only 4 witnesses have been examined out of 17 enlisted witnesses, this Court is inclined to release the applicant on bail.
7. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
JUDGE