

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 5234 of 2017

- Radha Bai Vishwakarma W/o Shri Lal Chand Vishwakarma, Aged About 36 Years R/o Village Lakholi, Ward No.34 Rajnandgaon, Police Station Kotwali Rajnandgaon, Civil And Revenue District Rajnandgaon, Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Baradwar, District Janjgir-Champa, Chhattisgarh --- **Respondent**

10.08.2017	Mr. Dharmesh Shrivastava, counsel for the applicant. Mr. Sangharsh Pandey, Panel Lawyer, for the State. This is second bail application filed under section 439 of the Code of Criminal Procedure for grant of bail to the applicant in connection with Crime No. 136 of 2016 registered at Police Station Baradwar, Distt. Janjgir Champa (C.G) for the offence punishable u/s 409, 420, 34 of IPC. As per the prosecution case, the applicant who was one of the directors of the Company of <i>Deocon</i> along-with other accused on the pretext of returning the money with high value collected the amount from various people and thereafter the cheque which was given for realization was bounced. Eventually it was found that the applicant and other accused have committed fraud by collecting amounts from different persons on the false promise to double the amount. It is alleged that the money has been circulated without permission of the SEBI/RBI, thereby the offence has been committed. Learned counsel for the applicant submits that this is second bail application. The first one was dismissed as withdrawn on 03.01.2017 with liberty to repeat the same after examination of the material witnesses. It is submitted that the witnesses have been examined, therefore, the applicant may be enlarged on bail. On the other hand, learned State Counsel opposes the bail application and submits that the applicant being one of

R a o	the directors of the Company is also responsible for taking policy decisions and collecting huge amounts from different people. Perused the statements of Yogesh Narayan Dhiwar wherein positive allegations have been attributed of depositing the amount in the Company. Therefore, at this state it cannot be stated that the applicant is innocent. Considering the totality of the facts and circumstances of the case and the way the amounts have been collected by way of deposits from large number of persons by committing fraud, I am not inclined to release the applicant on bail. Accordingly, this bail application is rejected. Sd/- GOUTAM BHADURI JUDGE
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