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HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6349 of 2017

Sukhvinder Singh Nanhotra, S/o. Niranjan Singh Nanhotra, Aged about 45 years, R/o. Housing Board Colony, Boriyakala, Room No.CDR/58, P.S.–Mujgahan, Raipur, District – Raipur (C.G.)

----Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station – Telibandha, Raipur (C.G.).

---- Respondent

For Applicant : Mr. S.S. Rajput, Advocate

For Respondent/State : Mr. Anupam Dubey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.12.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.33/2015, registered at Police Station – Telibandha, District – Raipur (C.G.) for the offence punishable under Section 420, 409 of Indian Penal Code and Section 3, 4, 5 of Money Circulations Act, 1978. The first bail application was dismissed on merit on 15.03.2017 in MCRC No.6969 of 2016.
2. Case of the prosecution, in brief, is that a report was made by Chintaram Verma along with others that the applicant was the director of M/s. Real Goat Forming India Private Limited for Goat and Emu Bird and collected different amount from the investors and issued them bond papers. Thereafter, purchased the land and further collected Rs.16,70,300/- from the different persons and issued bond certificate,

however, when the maturity time came, the company was closed and the applicant fled away. The said circulation of money was without the permission of SEBI or RBI. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant is in jail since 17.06.2016 and no substantial progress in the trial has been taken place despite the order of this Court to expedite the trial. He further submits that the offences are triable by the J.M.F.C., the first bail application was dismissed on 15.03.2017 and thereafter only 1 or 2 witness has been examined out of 31 witnesses; therefore, the applicant may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Perused the case diary and the documents. Considering the fact that no substantial progress in the trial has been taken place, the offences are triable by the J.M.F.C. and the applicant is in jail since 17.06.2016, I am inclined to release the applicant on bail.
6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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