

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6850 of 2017**

- Maheshwar Sinha S/o Shri Pitamber Sinha Aged About 42 Years R/o Nahanda P. S. Devari District Balod Chhattisgarh At Present Sunder Vihar Colony, Kurud Thana Jamul District Durg Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through The District Magistrate Durg District Durg Chhattisgarh

---- Respondent

For Applicant	: Shri A.N. Pandey, Advocate.
For Respondent/ State	: Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****28/11/2017**

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 20.06.2016 in connection with Crime No. 488/2016 registered at Police Station Supela District- Durg (CG) for the offence punishable under Sections 420, 409, 120(B)/34 of the IPC and u/s 3, 4, 5 & 6 of Enami Chit aur Dhan Parichaalan Adhiniyam and section 10 of C.G. ke Nikshepo Ke Hito Ka Sanrakshan Adhiniyam 2005.
2. The first bail application was dismissed on 22.03.2017.
3. As per the prosecution case, the applicant on behalf of BMA Wealth Creators Company took the franchise of the Company and the Company allured different persons and invited for investment with an allurements to double the same within a short span of time. When the amounts were

deposited by various depositors, the present applicant used the same for his own and therefore, failed to return the same on behalf of the Company and issued cheques which were bounced. It is alleged that the applicant projected himself to be part and parcel of the Company and received the amounts for his own use, thereby the fraud has been committed.

4. Learned counsel for the applicant submits that applicant has paid the entire amount to the complainant and no purpose would be served to keep the applicant in custody, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Perusal of the case-diary would show that apart from the complainant money was taken from different other persons. Consequently, by making the payment of amount of the complainant the applicant cannot be absolved of the liability to pay the amount of others. I do not find any change of circumstances to reconsider this repeat bail application. It is accordingly dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu