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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 795 of 2017**

Sukhnandan Prasad Sahu S/o Pardeshi Ram Sahu, Aged About 35 Years R/o Village Nagroudi, P.S. Chakarbhata, District Bilaspur, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Police Of Police Station Nawagarh, District Bemetara Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 796 of 2017**

Sahorik Ram Sahu S/o Ramkishun Sahu, Aged About 36 Years R/o Village Khaira, Post Baitulpur, P. S. Pathariya, District Mungeli, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer Police Of Police Station Nawagarh, District Bemetara Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Kishore Bhaduri and Shri C. Jayant K. Rao, Advocates.
For the Respondent/State	:	Shri O.P. Sahu, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.11.2017**

1. Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No. 83 of 2017 registered at Police Station – Tarbahar, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 409 and 420/ 34 of the Indian Penal

Code, Sections 3, 4, 5 and 6 of the Chit Fund Act and Company Prevention Act and Section 10 of the Chhattisgarh Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam, 2005.

2. It is submitted by counsel for the applicants that the applicants are innocent and have been falsely implicated in these cases. The applicants are employed as agents by the Directors of B.N.G. Global India Company Limited/ B.N. Gold Real Estate and Allied Limited. The applicants have simply carried the instructions of the Directors of the Company while performing their job. They had not been a party to the policy adopted and in formulating the schemes. Believing in the schemes and policies of the companies the applicants in both the cases have themselves made investments in their name and in the name of the members of their family in the said company hoping to get attractive returns of the same. Applicant – Sukhnandan Prasad Sahu has not made any collection from the investors whereas applicant – Sahorik Ram Sahu made collection from the various depositors and refunded the amount from his own pocket. It is further submitted that when the office of the company was closed in the area, it was applicant – Sahorik Ram Sahu who filed a written complaint to Superintendent of Police, Bilaspur making allegations against the Company for cheating the depositors which was not made the basis for lodging FIR. The applicants are local residents and they are ready to abide by all the conditions that may be imposed on them. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that as per the evidence

collected in the investigation both the applicants had been the managers of the local office of the said company which has cheated the various depositors of the area to the tune of Rs.2 to 3 crores. The said company was neither having recognition from Reserve Bank of India nor authorized by the Stock Exchange Board of India or had no authority to take any deposits and the applicants have played an important role in the commission of crime. Hence, it is prayed that the applicants in both the cases are not entitled for grant of anticipatory bail.

4. Heard counsel for both the parties and perused the case diary.

5. The facts of the case are that the said B.N.G. Global India Company Limited/ B.N. Gold Real Estate and Allied Limited through their agents of the office in Bilaspur advertised various schemes inviting deposits from the depositors of the area promising attractive returns because of which narrates innocent investors have deposited in the said company hoping for getting good returns of their investment, but in the later point of time the offices of the company in area were closed and all the office bearers and employees went in hiding. Consequent to that, complainant – Vyas Kumar Yadav lodged FIR on the basis of which the case has been registered against the Directors of the company and the applicants. As per the information received, the investigation has been completed and the charge-sheet has been filed showing the applicants in both the cases have absconding accused persons.

6. Considering the submissions made and the contents of the case diary, the fact that the applicants in both the cases had been working as agents and there is no document on record of the case diary to show that the applicants had any other designation in the said company, the investigation has been completed and there is no specific averment in the charge-sheet or in the reply of the State regarding any specific requirement of any detention of the applicants for the purpose of any investigation to be conducted, as well as taking into consideration that the applicants are local residents and there is no difficulty in their availability during trial, I am of the view that the applicants deserves to be released on anticipatory bail.

7. Accordingly, the anticipatory bail applications of the applicants in both the cases are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They shall co-operate with the police during the investigation and shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge