

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 7363 of 2017**

- Kanhaiya Lal Ojha S/o Shiv Kumar Ojha Aged About 36 Years  
R/o Shriram Nagar Behind I T I Shyam Nagar , Telibandha  
Raipur District Raipur Chhattisgarh, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer Police  
Station Telibandha Raipur District Raipur Chhattisgarh. ,  
Chhattisgarh.

**---- Respondent**

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For the applicant : Shri A.S. Rajput, Advocate.

For the Respondent/State : Shri Anil S. Pandey, GA..

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

**Order on Board**

**16.01.2018**

1. This is the first 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. 72/2016, registered at Police Station – Telibandha, District – Raipur, (C.G), for the offences under Sections 420, 406, 120 B, 34 of the Indian Penal Code and Section 10 of Nixshepkon Ka Sanrakshan Adhiniyam, 2005.

2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. The applicant was appointed as Development Managing Director of the company , but he is not responsible for taking decision of the policy and formulating any schemes of the company, he has simply acted in the instruction of the superior authorities. Similarly placed co-accused persons namely Lalit Pal and Puranik Dewangan have been granted bail by the co-ordinate Bench of this Court. The applicant is in jail since 28.09.2017 and he is ready to abide by all the conditions which may be imposed upon him while granting bail, hence, it is prayed that the applicant may be enlarged on bail.
3. Learned counsel for the State opposes the bail application and submits that the designation of the applicant had been a Director of the Shining Star Infra State Limited Company of which SUSK India Limited is sister concern, hence, the capacity, in which the applicant had worked shows his involvement in the commission of the crime of huge magnitude, therefore, the applicant is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. The case against the applicant is this that SUSK India Limited and Shining Star Infra State Limited Company induced various persons in the area to make deposit in the schemes by making false promises to double the amount in short period of time. But the company failed to do so and local offices were closed and all persons concerned went in hiding, because of which the FIR has been lodged.

6. Considering the submissions made and contents of the case diary, as it appears that similarly placed co-accused persons namely Lalit Pal in M.Cr.C. No. 3790/2016, order dated 16.08.2016 and Puranik Dewangan in M.Cr.C No. 4792/2016, order dated 16.09.2016 have been granted bail by the co-ordinate Bench of this Court, hence, on the ground of parity the applicant deserves to be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his 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 /-**

**(Rajendra Chandra Singh Samant)**

Judge

Jamal