

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 867 of 2018

Kanhaiya Lal Gond, S/o. Nanki Ram Gond, Aged About 34 Years, R/o. Village & Post Sorthi, P.S. Bamhanidih, District Janjgir Champa Chhattisgarh.

--- Applicant.

Versus

State Of Chhattisgarh, Through S.H.O. Police Of Police Station Pratappur, District Surajpur, Chhattisgarh.

--- Respondent

For the Applicant : Mr. Atanu Ghosh, Advocate

For the Respondent : Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31.01.2018

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 47 of 2016 registered at Police Station-Pratappur, District Surajpur (C.G) for the offence punishable under Sections 420 read with 34 of Indian Penal Code, Section 4, 5 & 6 of the Prize Chit & Fund Operation Scheme Prohibition Act, 1978 and Section 10 of C.G. Protection of Interest of Depositors Act, 2005. The first bail application on dismissed on merit on 17.10.2016 and second bail application was dismissed on 11.05.2017.
2. Case of the prosecution, in brief, is that a report was made by the complainant that the Shinning India Real Estate & Dairies Limited allured the different people to deposit the money in their account with assurance to return the same with double and also assured that at the end of maturity some real estate property shall also be given to the depositors. Consequently, different amounts were deposited by the persons from Bilaspur, Pratappur, Surajpur and also from different places. Subsequently, neither the amount so deposited by the customers was returned nor any real estate property was given to

them. According to the prosecution, the said company was not authorized by Securities and Exchange of India (SEBI) & Reserve Bank of India to collect the amount for like nature.

3. Learned counsel for the applicant submits that out of 30 witnesses, 23 witnesses have been examined, however, the I.O. has not turned up; therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the fact that 23 witnesses have already been examined out of 30 witnesses and the trial is at the fag end, I am not inclined to release the applicant on bail. Accordingly, the third bail application filed under Section 439 of Cr.P.C. is dismissed, however, the trial Court is directed to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge