

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 5045 OF 2017

Dilip Kumar Karsh S/o Sundarshan Karsh Aged About 23 Years Occupation Placement R/o Village Khamariya Post Bhinodi P. S. Sarseeva, District Baloda Bazar Bhatapara (Bhatapara Not Mentioned In Impugned Order) Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through City Kotwali Dhamtari District Dhamtari Chhattisgarh.

---- Respondent

MCRC No. 6358 Of 2017

Mahavir Kumar Singh S/o Rajnath Singh, Aged About 25 Years R/o Nai Bazar, Matiyamad, Bakshar, District Bakshar Bihar.

---- Applicant

Vs

State Of Chhattisgarh Through Station House Officer, Police of Police Station City Kotwali Dhamtari, District Dhamtari Chhattisgarh.

---- Respondent

MCRC No. 6425 Of 2017

1. Amar Vaishnav S/o Shri Mahavir Das Vaishnav, Aged About 22 Years R/o Indira Nagar, Near Kewarabadi Bus Stand, Raigarh, Tahsil & District Raigarh, Civil And Revenue District Raigarh, Chhattisgarh
2. Laxman Maitri S/o Shri Dujram Maitri, Aged About 20 Years R/o Village Saradih Mudpar, P.S. Sarangarh, District Raigarh, Civil And Revenue District Raigarh, Chhattisgarh

---- Applicants

Vs

State Of Chhattisgarh Through Police Station City Kotwali, Dhamtari, District Dhamtari, Chhattisgarh

---- Respondent

MCRC No. 7296 Of 2017

Srijan Potai S/o Shankarlal Potai, Aged About 34 Years R/o Village Mangsaur, Thana Doindilohara, District Balod Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh Through Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh

---- Respondent

MCRC No. 7454 Of 2017

1. Rashmi Baghel D/o Gendlal Baghel, Aged About 25 Years R/o Village Lakhmatola, Post Office & Police Station Doundi, District Balod Chhattisgarh
2. Madan Patel, S/o Budhiyar Patel, Aged About 30 Years R/o Village Gidri, Post Office & Police Station Dongargaon, District Rajnandgaon Chhattisgarh

---- Applicants

Vs

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Dhamtari, District Dhamtari, Chhattisgarh

---- Respondent

And
MCRC No. 7892 Of 2017

Lalchand Prajapati S/o Shri Mataru Prajapati, Aged About 26 Years R/o Village Pakarpur, P. S. Karoundikala, Distt. Sultanpur, Civil And Revenue Distt. Sultanpur Uttar Pradesh.

---- Applicant

Vs

State Of Chhattisgarh Through Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh.

---- Respondent

For Applicants	:	Shri Gautam Khetrapal, Shri MK Sinha, Shri Shivendu Pandya, Shri Kunal Das and Shri Anil Gulati, Advocates.
For Respondent-State	:	Shri Gary Mukhopadhyay, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/01/2018

1. Since common facts are involved and arise out of same crime, these six bail applications are being disposed of by this common order.
2. These are the first bail applications seeking for grant of bail to the Applicants who are in jail in connection with Crime No.226 of 2017 registered at Police Station City Kotwali, District Dhamtari, for the offence punishable under Sections 420,384 and 120-B/34 IPC.
3. As per prosecution, a complaint was received by the Police Station, City Kotwali, Dhamtari, that in the garb of providing employment the applicants amassed huge amount of money from the people in the rural areas and that subsequently the amount has not been repaid to these persons neither they have been provided employment and when the complainants had gone for refund of the amount deposited, they have have been directed to deposit further amount and yet they were not given either employment or refund of the money deposited.

4. Learned Counsel for the applicants submit that the proprietor of Raksha Associates i.e. Srijan Potai is the main accused and the other applicants have been engaged by him to promote his business and as such the applicants other than Srijan Potai are either the distributor or employees engaged by the said Raksha Associates. Therefore, if at all, if there is any offence committed, the same be confined only against the proprietor of Raksha Associates and not the present applicants who are employees working under Raksha Associates.
5. It is further submitted that these are cases where infact the nature of business is that of networking or chain business where each of the members associated with Raksha Associates are supposed to add three further members and that on addition of three members, they would be given an amount of Rs.15,000/- and in this scheme all the applicants as well as the complainants were associated together and therefore offence under Sections 420,384,385 and 120-B/34 IPC is not made out. Therefore, the applicants may be released on bail.
6. On the other hand, the State counsel opposes the bail application and submits that there are statements of large number of victims recorded, who have stated that in the garb of providing employment the applicants herein have collected huge amount of money and that subsequently these persons were neither provided employment nor were refunded of their money which they have deposited and thus prayed for rejection of the appeal.
7. Considering the nature of allegations and the amount involved in the case; the manner in which the complainants had been roped in by

the present accused persons and also taking note of the fact that name of each applicants have been reflected in the statements of complainants during the course of examination, this court is of the opinion that the applicants are not entitled to be released on bail at this juncture.

8. Accordingly, all the bail applications are rejected.

Sd/-
(P. Sam Koshy)
Judge