

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.1902 of 2018

Rampal Sengar S/o Late Sultan Singh Sengar, aged about 36 years,
R/o H.No.176, Surajnagar, Krishna Apartment, Police Station
Bahodapur, District Gwalior (M.P.).

---Applicant

Versus

State of Chhattisgarh, Through – Arakshi Kendra, Police Station Urga,
District Korba (C.G.).

---Respondent

For applicant	:	Shri Pushpendra Singh Baghel, Advocate.
For resp./State	:	Shri Shashank Thakur, Government Advocate and Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/06/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.103/2016 registered at Police Station Urga, District Korba (C.G.) for the offence punishable under Sections 406, 409 & 420/34 of IPC and Sections 4, 5 & 6 of Cheat Fund and Money Circulation Act and Section 10 of C.G. Investors Rights and Protection Act.
2. Present applicant is in jail since 23/12/2017.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant in connivance with the other accused persons is said to have collected crores of rupees from the poor villagers on the

pretext of providing them huge returns on the money that they would be investing.

4. The counsel for the applicant submits that, it is a case where there are total 19 accused persons of which only 2 have been arrested i.e. the applicant and one Ramesh Choudhari and 17 other accused persons are all absconding. He further submits that, the other accused person arrested namely Ramesh Choudhari has already been enlarged on bail by the Court below itself. He further submits that, so far as the present applicant is concerned, there is no allegation of any fraud having been committed by the present applicant by any of the complainant, nor is there any material available against the present applicant with which the present applicant could have been made accused. He further submits that, the only reason the present applicant has been arrested and have been made an accused is that during the period between 26/11/2010 to 05/01/2012, the applicant happens to be the Director of the company. He further submits that, infact the scheme under which the villagers had invested and the collections made were also substantially done during the tenure of co-accused Ramesh Choudhari who has already been enlarged on bail and thus prayed for releasing the applicant on bail on the ground of parity.

5. The State counsel however opposing the bail application submits that, infact the present applicant undoubtedly was a Director of the company for the period between 26/11/2010 to 05/01/2012 as is established from the record available with the Registrar of Companies. He further submits that, the applicant being the director of the company was infact responsible for all

the schemes that are floated by the company and therefore the applicant cannot be said to be ignorant of any such fraud being played by the company. He further submits that, it is a case where there was a large scale fraud played by the company and large number of villagers have been defrauded of their hardearned money and total investment made in the company goes into many crores of rupees and thus prayed for rejection of bail application.

6. Having heard the contentions put forth on either side and on perusal of record this Court finds that, the co-accused Ramesh Choudhari who was the Director of the company at the time when the scheme was floated and when the substantial chunk of money was invested, have already been released on bail. Moreover, the present applicant has already remained in custody for a period of about 6 months. In addition, it is also to be taken note of that except for the fact that the present applicant was a Director of company, none of the complainant or the witnesses have made any allegation against the present applicant so far as playing of any fraud with them.

7. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that a strong case has been made out for grant of bail to the present applicant.

8. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing 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. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE