

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2217 of 2018

Ashish Jha S/o Suryakant Jha Aged About 42 Years R/o- Banglow No. 1, Pallavi Vihar, Gole Chowk, P.S. D.D. Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station Pandri, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Shri S.K. Thakur, Shri Mahendra Dubey and
Shri Rahul Jha, Advocates

For State : Shri Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/05/2018

Heard.

1. The applicant has been arrested in connection with Crime No. 242 /2011 registered in Police Station -Pandri, District -Raipur, for alleged commission of offence under Sections 420, 406, 409, 468, 471 and 120-B IPC and Sections 3, 4, & 6 of the Prize Chits & Money Circulation Scheme (Banning) Act 1978.
2. This is the second bail application of the applicant. His earlier bail application was dismissed on 07.12.2017 after considering the material on record.
3. Learned counsel for the applicant would argues that earlier when the case was argued, complete and correct facts were not brought to the notice of this Court. He would submit that as far as present applicant is concerned, his role

was extremely limited only as the panelist. He would submit that role of the panelist is limited to providing PIN no. as given to the applicant and the applicant does not act as a collection head. He would submit that all the transaction are made by the next panelist and the applicant only gave some incidental commission. Next submission is that there are other accused including franchise who have been granted bail on merits or by default and some of the accused are still absconding. The applicant has remained in jail for 10 months. Therefore, he may be granted bail.

4. On the other hand, learned counsel appearing for the State opposed the application and submits that earlier the application was considered on merits and application was rejected taking into consideration that crores of rupees of the poor investors in the State of Chhattisgarh were collected by the Speak Asia through its various hands in which applicant also had a role to play and he was the collection head and the manner in which collections were being made and merely because an ingenious way of collection was devised to create more and more panelists, that the applicant was working as one of the panelist between other panelists and the main company, it cannot be said that the applicant was simple investor.
5. Having considered the submissions made by learned counsel for the parties and after perusing records of the case, the material on record, role alleged to be played by the applicant, amount of money involved and the magnitude of cheating alleged to have been committed with large number of investors in the State, I am not inclined to grant bail to the applicant.
6. The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge