

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2995 of 2018

- Baljeet Sharma S/o Shri Ramnivas Sharma, Aged About 48 Years, R/o Shyam Enclave, Najasgarh, New Delhi, District : New Delhi, Delhi

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bhilai-3, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

MCRC No. 3260 of 2018

- Divesh Kumar Bajaj S/o Shri Rameshchandra Bajaj, Aged About 48 Years, R/o- M/26, Guru Harkishan Nagar, West Vihar, New Delhi., Delhi

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Bhilai-3, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicants – Shri Awadh Tripathi, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-06-2018

1. As these two applications arise out the same crime number, i.e, Crime No.199/2017 registered at Police Station Bhilai-3, District Durg, C.G. for the offences under Section 420, 120-B/34 of the IPC and Section 3, 4 and 5 of Chit fund and Money Circulation (Banning) Act, they are being decided by this common order.

2. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail applications before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 17-10-2016 in connection with aforesaid crime number and offences.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. Applicant Baljeet Sharma (in MCRC

No.2995/2018) was employee of G.N. Dairy and Gold Company and had designation of Zonal Manager of Madhya Pradesh and Chhattisgarh, whereas, applicant Divesh Kumar Bajaj (in MCRC No.3260/2018) was Chartered Accountant providing his services to the company. They have not played any role in giving inducement to the investors who are complainants in this case. In similar cases both the applicants have been granted bail by this Court and the High Court of Madhya Pradesh. Hence, it is prayed that the applicants may be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that both the applicants were instrumental in commission of the offence in which a numbers of innocent investors of the area have been cheated and huge amount have been defalcated by the company. Hence, both the applicants are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, complainant Panchu Yadav made investment of Rs.5 lakhs on inducement given by the agents of the company promising attractive return within a short tenure of time. As he could not get any refund or incentives as promised, the FIR was lodged by him.

7. Taking into consideration this fact that in similar other cases the applicants have been granted bail by this Court and that the trial is likely to take some time before its conclusion, I am of this view that these applicants should be granted regular bail during pendency of the trial against them.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as

and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil