

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3482 of 2018**

Smt. Vijaylaxmi Kathait W/o Jagmohan Kathait, Aged About 55 Years R/o House No. 67, Kanchan Nagar, B.D.A. Shed, Khajurikala, Bhopal, Madhya Pradesh, Police Station Awadhpuri, Bhopal, Madhya Pradesh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Basantpur (Wrongly Mentioned As Arakshi Kendra) District Rajnandgaon, Chhattisgarh.

---- Respondent

For applicant - Shri Vishnu Koshta & Shri Shobhit Koshta, Advocates.
For Respondent/State – Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order****16/07/2018**

1. This is the third bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 17/01/2017 vide M.Cr.C. No.7950/2016. The second bail application was dismissed on 05/07/2017 vide M.Cr.C. No.4528/2017.
2. The applicant has preferred this application for grant of bail as she is arrested in connection with Crime No. 72/16 registered in Police Station Basantpur, District Rajnandgaon for offence punishable under section 409, 420 r/w 34 of IPC, Section 138 of Negotiable Instrument Act and Section 10 of CG Protection of Depositors Interest Act, 2005.
3. As per the prosecution case, on 27/06/2016 a report was made by the complainant Smt. Yogita Shukla against the Directors/Chairman of J.S.V. Developers India Limited, M.P. Nagar, Bhopal that the applicant allured different persons and collected amount with assurance to return the same with high interest and money was collected from different

villagers and when the maturity time came, applicant's company was closed and all the persons who were engaged in this matter fled away and thereby the aforesaid offence was committed.

4. Learned counsel for the applicant submits that out of 85 witnesses 25 have been examined and they have not stated anything against the present applicant, therefore, the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. At this stage appreciating the statement of the witnesses will amount to deciding the case on merits while hearing the bail. Considering the fact that the applicant was one of the directors of the company and what is the role played by the applicant can only be evaluated after the statement of the witnesses and further taking into that the money has been drained out from the downtrodden people, who were allured to pay the amount in the company, with an assurance of high return but instead the company fled away. It appears that the white collar crime was committed with all due diligence. In view of this, I do not find any change of circumstances to reconsider this third bail application.

7. Accordingly, the third bail application is dismissed. However, the trial Court is requested to expedite the trial.

Sd/-

(Goutam Bhaduri)

JUDGE

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