

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3417 of 2018

Rakesh Tomar S/o Shri Shobharam Tomar Aged About 50 Years R/o-
166, Venus Apartment, Sector- 19, Rohini, Delhi,, Delhi

---- Applicant

Versus

State Of Chhattisgarh Through- The Police Station, New Rajendra
Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur,
Chhattisgarh

---- Respondent

For applicant - Shri N. Naha Roy, Advocate.
For Respondent/State –Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/06/2018

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 15/03/2017 vide MCRC No.535 of 2017.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.22/15 registered in Police Station New Rajendra Nagar, Dist: Raipur (C.G.) for offence punishable under sections 420, 409, 34 of IPC, Sections 3, 4 of the Prize Chits and Money Circulation Schemes (Banning) Act, Section 138 of the Negotiable Instruments Act.
3. As per the prosecution case, a report was made by one Rajendra Giri Goswami that he alongwith his relative deposited the amount in HBN Dairies and Allied Company and on its maturity the complainant was to be paid Rs.92,250/- by the company. Certain cheques were given to the complainant by the company. When the cheques were presented in the bank for encashment, the cheques got dishonoured. Likewise, the company collected huge amount from different depositors with assurance to double the same within a short period, however, the same was not done and the office of the company was closed. It is further alleged that said circulation was done without obtaining valid permission from the Reserve Bank of India or the

SEBI and thereby the aforesaid offence was committed.

4. Learned counsel for the applicant submits that the applicant is behind the bar since 14/12/2016 and there is considerable delay in trial. He further submits that applicant was initially director of the company but he resigned on 1/11/2000, therefore he was not concerned with the company, therefore the applicant may be released on bail.

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

6. Perused the earlier rejection order dated 15/03/2017. Earlier bail was rejected on merits on the ground that the applicant alongwith others had defrauded the poor downtrodden people on the pretext and allurements to double the amount of deposited sum and return was assured with high value but eventually it failed. Statement of Rajendra Giri Goswami would show that he has named the applicant as employee however case of the prosecution is that he was director. Consequently, role of the applicant cannot be decided while hearing bail. At this stage while hearing bail taking into fact that large number of grass root people have been defrauded and it appears that huge amount of Rs.65,21,68,397/- has been siphoned collected from them, therefore I do not find any change of circumstances to reconsider the second bail so as to evaluate the period of detention to equate with the amount of money which the company has siphoned from the general public.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE