

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4182 of 2018**

- Ramkishun Chouhan S/o Raj Kumar Chouhan Aged About 29 Years R/o- Qt. No. 79, Type 2, Manikpur, Chowki Manikpur, Police Station Kotwali Korba, Tahsil And District- Korba, Chhattisgarh

---- Appellant**Versus**

- State of Chhattisgarh Through- District Magistrate Korba, District Korba, Chhattisgarh And Also Through The Police Of Police Chowki Rampur, Police Station Kotwali, Korba, District- Korba, Chhattisgarh

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For Appellant	:	Shri Bhaskar Payashi, Advocate with Shri Dharmesh Shrivastava, Advocate
For Respondent/State	:	Shri Sangharsh Pandey, Dy. GA for the State.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****09/08/2018**

1. Heard.
2. Also heard on **I.A. No.2/2018**, which is an application for correcting the name of the applicant.
3. It is contended that the name of the applicant is Ramkishan Chouhan but due to inadvertence the name of the applicant in this bail application has been written as Ramkishun Chouhan, therefore, the same may be corrected.
4. On due consideration, the application I.A. No.2/2018 is allowed and it is directed that the name of the applicant be read as "Ramkishan Chouhan".

5. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 07.02.2017 in connection with Crime No. 102/2016 registered at Police Station Police Chowki Rampur, Police Station Kotwali, Korba, District Korba (CG) for the offence punishable under Sections 409, 420 and 120 B of the IPC and Sections 4, 5 & 6 of the Prize Chits and Money Circulation Scheme (Banning) Act.
6. As per the prosecution case, a report was made by Tarachandra Thakur that he had invested money in a company named as Radiant Real Estate Works Pvt. Ltd. With an allurements that the money so deposited will be returned with high value. Subsequently, the company was changed as Sarvamangala Properties India Limited, but when the maturity time expired, the money was not returned. It is the case of the prosecution that the said circulation of money was without the permission of RBI or SEBI.
7. Learned counsel for the applicant submits that the applicant remained Director of Radiant Real Estate Works Pvt. Ltd. From 19.07.2010 subsequently, the company having become Sarvamangala Properties India Limited, he became the Director of the Company but ceased to be the Director after 20.02.2014. it is contended that the applicant has been inculpated only on the basis of the memorandum statement of one Brij Kishore Bhattar, who is the co-accused and also the Director, he has been enlarged on bail by the Court below. It is further submitted that even when the seizure was made nothing was seized from the present applicant, therefore, the applicant may be released on bail.
8. Per contra, learned State counsel opposes the prayer for grant of bail and

submits that the period of offence is between 2011 to 2014 and documents so received from the Ministry of Corporate Affairs would show that the applicant was very much in charge of the Director of Sarvamangala Properties India Limited, therefore, the way the offence has been committed, the applicant may not be released on bail.

9. Perused the case-diary and the document filed by the applicant. The reply filed by the applicant would show that the applicant was Director of Radiant Real Estate Works Pvt. Ltd. From 19.07.2010 subsequently he was the Director of Sarvamangala Properties India Limited in between 07.02.2011 to 20.02.2014. Prima facie it appears that the applicant was in the helm of affairs of the company during the relevant period. Further the order-sheet would show that the applicant was absconding and in his absence the charge-sheet was filed. Taking into the nature of allegations, the way the grass root level people have been deceived and the organized crime has been committed and the applicant being the Director primarily was involved in the helm of affairs of the policy decision. Considering the same, I am not inclined to release the applicant on bail.

10. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu