

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4208 of 2018**

Dhanesh Nishad, S/o. Nikhad Raj, Aged About 36 Years, R/o.- Arang, Police Station Arang, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Tadoki, District- North Bastar Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

--- Respondent

AND

M.CR.C. No. 4723 of 2018

1. Pankaj Sahu, S/o. Jivrakhan Sahu, Aged About 30 Years, R/o- Magarlod Ward No. 3, Adarsha Chowk, District- Dhamtari, Chhattisgarh.
2. Nitin Rao Shende, S/o. Shivaji Rao, Aged About 35 Years, R/o- Shyamnagar, Raipur, Police Station Telibandha, Christian Colony, Raipur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station- Tadoki, District- North Bastar Kanker, Chhattisgarh.

--- Respondent

For Applicants	:	Mr. O.P. Sahu, Advocate
For Respondent/State	:	Mr. Anil S. Pandey, G.A. & Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/07/2018

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 4/2017, registered at Police Station- Tadoki, District – North Bastar Kanker (C.G.) for the offence punishable under Section 420, 34 of the Indian Penal Code and Section 3, 4, 5, 6 of the Prize Cheats & Money Circulation Schemes (Banning) Act, 1978 and Section 6-10 of C.G. Protection of Investor Act.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. None of the applicants had been director of the JSB Real Infra India Limited. In fact they had been agents and have also invested money in the said company. The applicants are in jail since 23.04.2018. Case is presently before the trial Court and the case is triable by Judicial Magistrate First Class. Hence, it is prayed that both the applicants may be enlarged on bail.
4. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that all these applicants are directors of the company styled as JSB Real Infra Limited and have through fraudulent schemes of investment, cheated huge number of investors. They have made collection of crores of rupees. These applicants have also other cases registered against them in different district. Hence, they are not entitled for grant of bail.
5. In reply, learned counsel for the applicants submits that another cases, which were registered against the applicants in District – Dhamtari in which the applicants have been granted bail by this Court and one another case which was registered in District Balod in that also they have been benefited with grant of bail by the Sessions Court itself.

6. I have heard the learned counsel for the parties and perused the documents placed on record.
7. According to the case of the prosecution, the applicants formed a company styled as JSB Real Infra India Ltd. and floated fraudulent schemes of deposit and investment promising attractive returns. Number of investors have deposited in the schemes. Later on offices of the company were closed and concerned persons were went in hiding.
8. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, as the investigation has been concluded and the case is presently before the trial Court and the applicants are residents of District Dhamtari and Raipur, their availability before the trial Court can be ensured by imposing suitable conditions, hence for this reasons, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
9. Accordingly, both the bail applications filed under Section 439 of Cr.P.C. are allowed.
10. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge