

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 820 of 2018

1. Gyan Prakash Sahu S/o Rajendra Kumar Sahu Aged About 29 Years
R/o- Village Dumardih, Utai, Patan Road, Infront Of Petrol Pump, Utai,
District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Jamini Kumar Senapati S/o Vishnupada Senapati Aged About 43 Years
R/o- Village Dumardih, Utai, Patan Road, Infront Of Petrol Pump, Utai,
District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- District Magistrate, Durg, District-
Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicants	:	Mr. T.K. Jha, Advocate.
For Respondent	:	Mr. Ashish Shukla, Govt. Advocate.
For Objectors	:	Mr. Jaydeep Singh Yadav, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

23/08/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.198/2018 registered at Police Station- Utai, District – Durg(C.G.), for the offence punishable under Sections 420, 406, 467, 471, 34 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. There had been transaction between applicant and the complainant/objectors which

was purely of civil nature. Earlier on the complaint filed by the objectors before the police, a report was submitted by In-charge Additional Superintendent of Police, Durg stating that the transaction between the applicants and the complainant was purely of civil nature. Despite submission of this report before the Court below where complaint case has been filed by the complainant, an order directing registration of FIR against the applicants under Section 156 (3) of CrPC has been passed. Hence, it is prayed that applicant may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the State has complied with the order passed by the Court below.
4. Learned counsel for the Objector submits that the applicants were running a fake Finance Company and have given inducement to the complainant and others to make investment of Rs.20,000/- per month in a group of 15 persons and also induced that a lottery will be drawn between the members of that group and whoever wins the lottery will get the whole amount as finance. At the initial stage applicants have made returns according to the lottery draw but later on, they have misappropriated all the collection made by them. Hence, no case is made out for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. The allegation against the applicants is briefly discussed herein above. The police has inquired into case and submitted the report that it is a case of civil nature although some other questions involved about authorization and legality of running such finance schemes.
7. After due consideration on all the material present in the case diary

and also for the reason that applicants shall have to ultimately face trial in the case and there is no requirement of any custodial interrogation, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge