

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5065 of 2018

- Ashwani Pandey S/o Shri Rajendra Pandey, Aged About 42 Years, R/o Mahadev Ghat Road, Near Bas Tall, Shitala Para, Raipura, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

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

----Non-applicant

For Applicant – Dr. N.K. Shukla, Sr. Advocate with Dr. Shailesh Ahuja, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 18-08-2017 in connection with Crime No.175/2017 registered at P.S. - Supela, District Durg, Chhattisgarh for the offence under Section 420 & 409/34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 18-08-2017. No case is made out against this applicant. The applicant happens to be Chairman of Earthatva Cooperative Society which is a registered society and according to the bye-laws of the society, investment by members of the society is permitted. It is a case of failure of the refund of the investment made by one member of the society, for which civil remedy is available. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that it is a new trend of committing the offence of cheating by forming cooperative society, hence, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. Complainant Seeta Thakur has lodged the FIR alleging that as a member of society she has made investment of Rs.3,50,000/- to the society, but she has not got refund after the date of maturity and the allegation has been made against the applicant and others for being responsible for not making the refund.
6. After considering on all the material present in the case diary, I feel inclined to grant regular bail to this applicant.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge