

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5236 of 2018

Kanhaiya Lal Ojha, S/o. Shiv Kumar Ojha, Aged About 37 Years, Caste Dhimar, Resident Of Shriramnagar, Shyamnagar Ward No. 41, Raipur, Police Station Civil Line, Raipur, Tahsil and District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station City Kotwali, Dhamtari, Civil And Revenue District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Kapil Maini, Advocate
For Respondent	:	Mr. Anil S. Pandey, G.A..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/08/2018

1. 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 in connection with Crime No.79/2018, registered at Police Station- City Kotwali, Dhamtari District – Dhamtari (C.G.) for the offence punishable under Section 420, 467, 468, 120-B, 34 of the Indian Penal Code and Section 4, 5, 6 of Prize Chits and Money Circulation Schemes (Banning) Act and Section 6 and 10 of Chhattisgarh Nishchhepko Ke Hito Ka Sanrakshan Adhiniyam.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 12.04.2018. No case is made out against him according to the material present in this case. It is further submitted that similarly placed co-accused persons in this case have been granted bail by this Court in M.Cr.C. No.3681/2018 vide order dated 03.07.2018. Therefore, it is prayed that

the applicant may also be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The case against the applicant is this that JSB Real Infra India Limited floated fraudulent schemes for taking deposits in the area through various agents promising attractive returns within short period of time. About 67 investors have made investment in the schemes in crores of rupees. It is alleged that no refund was made to the depositors because of which FIR has been lodged in this case. The allegation against the applicant is this that he is one of the directors of the said company.
6. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary, taking into consideration the fact that the similarly placed co-accused persons Pankaj Sahu and Nitin Rao in this case have been enlarged on regular bail, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge