

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5263 of 2018

- Saumitra Das S/o Ardhendhu Das Aged About 42 Years R/o- Ambi Naya P.S.- Beliyabeda, District- Mednipur, West Bengal, Present Address- Near Gudri Bazar, P.S. And Tahsil- Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Ambikapur, District- Ambikapur, Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

&

MCRC No. 5254 of 2018

- Saumitra Das S/o Ardhendhu Das Aged About 42 Years R/o Ambi, Naya P. S. Beliyabeda, District Mednipur, West Bengal, Present Address Near Gudri Bazar P. S. And Tashil Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police StationI Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant : Mr. Sandeep Dubey, Advocate.
For Respondent : Mr. Anil S. Pandey & Mr. Anupam Dubey,
Dy. Govt. Advocate and Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/08/2018

1. Both these applications filed under Section 439 of the Code of Criminal Procedure, 1973 are second bail application on behalf of the applicant for grant of regular bail to him. His first bail applicant was dismissed as withdrawn. He is in custody in connection with Crime No.124/2016 in MCRC No.5254/2018 and Crime No.35/2016 in MCRC No.5263/2018 registered at Police Station- Ambikapur, District – Surguja(C.G.) for the offence punishable under Sections 420/34 of Indian Penal Code (for short 'IPC'), Section 5, 6 of Inami Chit Fund avam Dhan Parichalan Adhiniyam, 1978 & section 10 of CG Protection of Interest of Depositor Act, 2005.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 16.1.2016. No case is made out against the applicant. The applicant is one of the Directors of the Tisha Agro Project India Ltd. and he is not the person who has received any benefit of the crime committed in this case. Further, it is submitted that the trial against the applicant is getting prolonged after passing of 2 ½ years, only 4 witnesses have been examined out of 58 witnesses in crime No.35/2016 and similarly only 4 witnesses out of 69 have been examined in Crime No.124/2016, hence, he is languishing in jail without there being any fault on his part. Hence, it is prayed that applicant be enlarged on regular bail.
3. Learned counsel for the respondent/State opposes the applications

and submissions made in this respect. It is submitted that this applicant is the Director of the company, who has allegedly cheated numerous persons of this State. Secondly the applicant is resident of West Bengal, hence, in case he is released on bail, he may not be available for trial and the progress of trial shall be hampered. Hence, they are not entitled for grant of regular bail.

4. Heard both the parties and perused the case diary.
5. In Crime No.124/2016 complainant Ramkali Soni has lodged FIR making allegation, that she was induced by the agents of the Tisha company to make investment in the company and she will receive double maturity amount. Getting induced, she has made a deposit Rs.9,62,800/-, on maturity of the deposit, the same has not been returned and the office of the company was closed.
6. In Crime No.35/2016 complainant Pappu Jaiswal has lodged similar FIR getting induced he has made deposits in the fraudulent schemes of the company, which has not been refunded after maturity of the scheme. Hence, this case.
7. Considered on the entire material present in the case diary of both the cases apart from these two cases registered against the applicant a crime No.105/2016 is registered in PS-Chakradhar Nagar, District-Raigarh which has been registered for offence of similar nature in which this applicant has been granted bail by the co-ordinate Bench of this Court in MCRC No.2615 of 2018 by order dtd 29.6.2018.
8. Taking into consideration of this fact that about 2 years and 7 months are the applicant is in detention and the trial against him has not made any considerable time only, for this reason, I am of this view that this is a fit case where applicant should be released on regular bail .

9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha