

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5320 of 2018**

Sanjeev Singh Baghel S/o Shri Amar Singh Baghel Aged About 37 Years
R/o Harriram Ka Pura, Post Simrao, P. S. Kotwali Bhind Civil And Revenue
Distt. Bhind M. P., District : Bhind, Madhya Pradesh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Sunil Sahu, Advocate.
For the Respondent/State : Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.08.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No.2541 of 2018 dated 25.6.2018. The applicant has been arrested in connection with Crime No. 244 of 2015, registered at Police Station Arjuni, District Dhamtari, Chhattisgarh for the offence punishable under Sections 420, 409 and 120-B/ 34 of the Indian Penal Code, Sections 3, 4 and 5 of the Prize Chit Fund Act and Sections 6 and 10 of the Chhattisgarh Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam, 2005.

2. Learned counsel for the applicant submits that the applicant is in jail since 23.12.2017. No case is made out against the applicant on the basis of

the material placed before the Court by the prosecution. The applicant had been the Director of Sunshine Infrabuild Corporation Limited from the year 2008 to 2011 only whereas, the act of defalcation was committed in the year 2014, by that time the applicant was not in charge, hence, he cannot be responsible for the same. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant was the Director of the Sunshine Infra-build Corporation Limited between the year 2008-2011 and at that time, the investments were invited by the Company regarding which the maturity amount was not paid by the Company and the case has been registered against the applicant and the co-accused persons. Hence, he is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case against the applicant and the other co-accused persons is that the Sunshine Infrabuild Corporation Limited, through various agents invited deposits and investments from depositors by publicizing fraudulent schemes promising attractive maturity amount and received investments from numerous investors in the company. Later on, when the deposits were matured the company office in the locality was closed and the concerned persons went on hiding because of which, the FIR was lodged.

6. The company has an existence which is registered under the provisions of Companies Act and the case-diary also shows that the

applicant was not a Director of the Company after 1.6.2011.

7. After due consideration of all the entire material present in the case-diary, I am of the view that in this case the applicant deserves to be enlarged on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall be released on bail on furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge