

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4396 of 2018

Mosa Raju, S/o. M. Lokeshwar Rao @ Loknandan, Aged About 37 Years, R/o. Old N.H.5, Road Parmapuram Colony, Police Station Kashibugga, District Sikakulam (Andhra Pradesh)

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Supela, District Durg, Chhattisgarh

---- Respondent

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MCRC No. 5349 of 2018

M. Ravi Kumar, S/o. M.K. Murty, Aged About 31 Years, R/o. Village Madhurbada, Chandpalak Area, Pepsi Company, Lalita Vihar, Visakhapatnam, Andhra Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through The District Magistrate, Police Station Supela, District Durg, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Pushpendra Kumar Patel & Mr. Tarun Dansena, Advocate
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For Respondent-State	:	Mr. D.R.Minj, Dy. Govt. Advocate
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.10.2018

- Both the bail applications are being decided by this common order as they are arising out of the same crime number.
- These are the second bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants in connection with Crime No. 179/2017 registered at Police Station Supela, District Durg (CG) for the offence punishable under Sections 409, 420, 34 of the Indian

Penal Code, Section 3, 4, 5, 6 of Inami Chit Aur Dhan Parichal Scheme Adhiniyam and Section 10 of Chhattisgarh Ke Nichchhipko Ke Hito Ka Sanrakshan Adhiniyam, 2005. The first bail application was dismissed on merit on 28.11.2017.

3. As per the prosecution case, a report was made by the complainant M. Mohan Rao, who was working as agent of R.D.P.L. Land Mark and Infrastructure Limited at Bhilai that he at the behest of the company collected different amount from the persons and get it deposited in the company with an assurance that the high return would be paid. Subsequently, all of a sudden the office of the company was closed and the entire staff fled away. Wherein the applicant R. Ravi Kumar was working as Invigilator of the Branch and the applicant Mosa Raju was working as Senior Branch Head. Subsequently, after investigation it was found that the collection of money was made without any sanction from the Reserve Bank of India or any permission from the SEBI. Thereby the money was illegally circulated and the fraud was played with the public, who have deposited the amount.
4. Learned counsel for the applicants submits that the applicants are in jail since 26.04.2017 & 13.03.2017 respectively and there is no substantial progress in the trial and only two witness have been examined out of 18 witnesses as on 30.07.2018. It is further submitted that the offences are triable by the J.M.F.C. therefore considering the detention of the applicants, they may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that only two witness have been examined and the applicants are in jail since 26.04.2017 & 13.03.2017 respectively.
6. Perused of the case-diary and the documents. Considering the fact that the applicants are in jail since 26.04.2017 & 13.03.2017 respectively and further

considering the position of the applicants and offence are triable by the J.M.F.C. considering the stage of trial, I am inclined to release the applicants on bail.

7. Accordingly, the second bail applications filed under Section 439 of Cr.P.C. are allowed.
8. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge