

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6519 of 2018**

- Kanhaiya Lal Ojha S/o Shiv Kumar Ojha Aged About 37 Years R/o Shriramnagar, Shyamnagar, Ward No. 41, Raipur Police Station Civil Line, Raipur Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Todaki, Civil And Revenue District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Respondent

For Applicant	: Mr. Sanjay K. Agrawal, Advocate.
For State/respondent	: Mr.Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/10/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.04/2017 registered at Police-Station-Todaki, District-Dhamtari(C.G.) for the offence punishable under Sections 420,34 of the Indian Penal Code and 3, 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. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him only on the basis of the material present in the charge-sheet. Charge-sheet has been filed, after completion of investigation. Similarly placed co-accused persons Dhanesh Nishad, Pankaj Sahu & Nitin Rao Shende have been granted bail by this Court. Hence, it is prayed that he may also be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to prosecution case, this applicant along with the other co-accused persons formed a company styled as JSB Real Infra India Ltd. A publicity was made about fraudulent schemes of the company against which the innocent investors made deposits on promise of attractive returns for the same. Later on, it was found that the company has winded up and the investors were cheated. Hence, the FIR was lodged.
6. Considering the entire material present in the case diary and further considering the fact that similarly placed co-accused persons have been granted regular bail by this Court with a reason that now the case is before the trial Court and there is no requirement of any custodial interrogation of the accused persons and also considered this fact that this applicant is a local resident of District-Raipur, for these reasons, I am of the view that present applicant is also entitled to be released on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha