

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 487 of 2017**

1. Jageshwar Prasad Sahu S/o Ratan Lal Sahu Aged About 45 Years
R/o Village Kirit, Police Station Navagarh, Tahsil Navagarh, District
Janjgir Champa, Chhattisgarh., Chhattisgarh
2. Rameshwar Prasad Sahu S/o Ratan Lal Sahu, Aged About 38 Years
R/o Village Kirit, Police Station Navagarh, Tahsil Navagarh, District
Janjgir Champa, Chhattisgarh., District : Janjgir-Champa,
Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Bilaigarh, District Baloda
Bazar Bhatapara, Chhattisgarh.

---- Respondent

For the Applicants : Shri Manoj Paranjpe, Advocate.
For the Respondent/State : Shri Anil S. Pandey, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.03.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 425 of 2016, registered at Police Station – Bilaigarh, District – Baloda Bazar, Bhatapara, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code and Sections 3, 4 and 5 of Inami Chit or Dhan Parichalan Scheme (Pabandi) Adhiniyam, 1978.

3. It is submitted by counsel for the applicants that the applicants are innocent and they have been falsely implicated in this case. The applicants had only worked as agents of the Sai Prasad Properties Limited. They are not the Director or the policy makers of the said company. Apart from that, they have themselves invested in this scheme, they themselves are also the sufferers and the victims. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the statement given by the witnesses, these applicants have coerced and induced the complainant and various other persons to make deposits in the said company. Applicants knowingly that the company is a fraud have promoted the schemes so floated. Hence, no case is made out for grant of anticipatory bail to the applicants.

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

6. Complaint has been made by complainant – Ramji Sahu that by coercion and inducement given for getting attractive returns from the deposits to be made in Sai Prasad Properties Limited by the applicants, he made a deposit of Rs1,56,000/- on 21.11.2009 and he was issued a deposit certificate showing maturity return of Rs.4,71,000/- on 21.5.2016. Subsequently, the company winded-up and the concerned persons went in hiding. Subsequent to maturity date, when the complainant approached the

applicants for refund of deposits, he was threatened by the applicants with dire consequences. Hence, the complaint was filed and on that basis on 23.11.2016, the FIR was lodged.

7. Considered the entire material present in the case-diary. It is not opposed that both the applicants are working in Sai Prasad Properties Limited in capacity of agent and it has been discovered later on that the said company is a fraud company. The investigation has to be made in respect that the applicants had knowledge all through that the company is a fraud. Hence, at this stage, taking into consideration the entire material in the charge-sheet, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:

- '(i) that the applicants shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi