

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1178 of 2018

1. Somnath Khuntia S/o Raghunath Khuntia Aged About 55 Years ,
District : Koriya (Baikunthpur), Chhattisgarh
2. Sanyasi Behera S/o Late Shri K Behera Aged About 53 Years Senior
Data Entry Operator, Regional Store, South Eastern Coalfields Limited,
Chirmiri, District Korea, Chhattisgarh., District : Koriya (Baikunthpur),
Chhattisgarh

---- Applicants

Versus

1. Kamlesh Baksh S/o Late Shri Isha Baksh , R/o Village & post
Baithalpur, District : Mungeli, Chhattisgarh.

Presently R/o H. No.909, Sector-5, Type 'A', Post & PS-BALCO Nagar,
Tahsil & Distt. Korba, Chhattisgarh.

2. State Of Chhattisgarh Through The Station House Officer, Sub Police
Station Rampur, Kotwali, Tahsil And District Korba, Chhattisgarh.,
District : Korba, Chhattisgarh

---- Respondents-

For Applicants : Mr. B.D. Guru, Advocate.

For Respondent/State : Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

24/10/2018

1. The applicants have preferred this bail application under Section 438
of Cr.P.C. apprehending their arrest in connection with Crime
No.556/2016 registered at Police Station-Sub Police Station Rampur,
Kotwali, Tahsil & District – Korba(C.G.), for the offence punishable
under Sections 420, 467, 471 & 120-B of the Indian Penal Code.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No offence against them is made out according to material present in the case diary. The applicants themselves had been investors in the schemes of Green India Multi State Members Credit Co-operative Society Ltd. Committee was constituted in the name and style of "Green India Pariwar Niveshak Samiti", in which these applicants were named as office bearers by the members. As the company cheated the investors including the applicants who have also invested money in the said company, therefore, they themselves have made complaint against the Directors of the company. Thus, it is clear that applicants themselves are victims and not a party to the commission of offence. Under these circumstances, it is prayed that applicants be benefited with grant of anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the complaint made, on the inducement given by these applicants, the complainant had deposited huge amount of Rs.8 lakhs with the said company of which he was cheated. Hence, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. Complaint has been filed by complainant Kamlesh Baksh, that on inducement given by these applicants, he made deposit of Rs. 8 lakhs in the schemes of Green India Multi State Members Credit co-operative Society Ltd. against which attractive returns were promised. Subsequently the office of said company was closed. Hence, this case.

6. Considered on the entire material present in the case diary and the documents along with this record showing the claims of deposits and the members of the deposit committee and that the applicants are neither Director or Official of the Company, hence, after due consideration, I am of this opinion that applicant should be granted anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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 him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant 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