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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1325 of 2018

1. Manohar Lal Sahu S/o Shri Makhan Lal Sahu, Aged About 42 Years, by Caste – Teli, R/o Village- Patewa, Post and Thana- Patewa, Tahsil, Civil And Revenue District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Patewa, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

MCRCA No. 1326 of 2018

1. Manohar Lal Sahu S/o Shri Makhan Lal Sahu, Aged About 42 Years, By Caste - Teli, R/o Village Patewa, Post And Thana Patewa, Tahsil, Civil And Revenue District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Patewa, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

MCRCA No. 1329 of 2018

1. Manohar Lal Sahu S/o Shri Makhan Lal Sahu, Aged About 42 Years, by Caste Teli, R/o Village -Patewa Post And Thana -Patewa, Tahsil ,civil And Revenue District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station -Patewa, District -Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

MCRCA No. 1339 of 2018

1. Manohar Lal Sahu S/o Shri Makhan Lal Sahu, Aged About 42 Years, By Caste - Teli, R/o Village - Patewa, Post and Thana - Patewa, Tahsil, Civil And Revenue District - Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Patewa, District - Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Sahu, Advocate.
For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.
Shri Punit Ruparel, Advocate for the objectors.

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

31-10-2018

1. All these four applications are being decided by this common order as the applicant in these cases is same only the crime number in each case is different.
2. These applications have been filed by the applicant for grant of anticipatory bail as he is apprehending his arrest in connection with the crime numbers which are mentioned below for the offences under Section 120-B, 406, 409, 420 of the IPC and Section 3, 4, 5 & 6 of Prize Chits and Money Circulation Schemes (Banning) Act 1978 and Section 10, 3, 4 of Chhattisgarh Protection of Interest of Depositors Act, 2005, registered at P.S. Patwara, District -Mahasamund, C.G.:-

S.No.	M.Cr.C.A.No.	Crime Number
1.	M.Cr.C.A. No. 1325 of 2018	149/2018
2.	M.Cr.C.A. No. 1326 of 2018	148/2018
3.	M.Cr.C.A. No. 1329 of 2018	142/2018
4.	M.Cr.C.A. No. 1339 of 2018	141/2018

3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in all these cases. He has believed in the policies and schemes of the company and worked according to the instructions given to him by the company officials. The applicant himself is not one of the beneficiaries of any of amount collected. The company, PACL is a registered company and a case is pending before Hon'ble the Supreme Court of India in which the Director of the company has filed affidavit, undertaking that liquidation process has started, in which the company undertakes to refund the amount deposited by various investors, hence, this applicant himself is not

responsible to make any refund to the complainants. Hence, it is prayed that he may be benefited with grant of anticipatory bail in all these cases.

4. Learned counsel for non-applicant/State opposes the applications submitting that this applicant has actively worked in publicizing the fraudulent schemes of the company and taking investments by giving inducement to the innocent investors of this State, hence, he is not entitled for grant of anticipatory bail.

5. Learned counsel for the objectors after adopting the argument advanced by the State counsel submits that only on the inducement given by the applicant who claimed responsibility for return of the amount deposited the complainants and other persons made deposits in the fraudulent schemes of the company. There is also allegation that this applicant has received money from various investors which is mentioned in the diary seized from the complainants and the same has not been deposited in the company and misappropriated by the applicant himself. It is case of huge fraud, hence, the applications of this applicant may be rejected.

6. Heard learned counsel for the parties and perused the case diary.

7. It is alleged by the complainant in each case that this applicant induced them to make deposits in the fraudulent schemes of PACL India Limited and getting induced the complainants have made huge deposits hoping for attractive returns after maturity. Subsequently, the offices of the company were closed and this applicant and other agents of the company went in hiding. The complainants attempted to lodge the FIR in which they could not succeed, thereafter, the complainants in all the cases filed WPCR before this Court in which an order was passed by this Court for registration of the FIR and investigation of the matter in accordance with law.

8. Considered on the entire material present in the case diary. As it appears that in the matter taking deposits and issuance of bonds and certificates had been an agreement between the investors and the company

and this applicant has acted only as an agent in providing facilities to the both parties, hence, after due consideration, I am of this view that this applicant should be benefited with grant of anticipatory bail in these cases.

9. Consequently, all these anticipatory bail applications are allowed. It is directed that in the event of arrest of this applicant in connection with the aforesaid offences in these cases, he shall be released on bail by the officer arresting him on executing in each case 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 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 him by the said Court till disposal of the trial.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge