

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7658 of 2017**

Rajendra Shivare S/o Shri Kripa Ram Shivare, Aged About 55 Years
Present Address- Village Khopali, P. S. Utai, Tahsil And District Durg,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Nandani, District Durg,
Chhattisgarh.

---- Respondent

For the Applicant : Shri Vipin Tiwari, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.01.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.72 of 2017, registered at Police Station – Nandani, District – Durg, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code and Sections 3, 4 and 5 of the Chit Funds Act, 1982.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that the applicant had *bona fide* requested the depositors to make the deposits and had no intention to cheat them in any manner. In total, 7 cases have been registered against him on the basis of the complaints made by various

depositors. The applicant is on bail in other cases registered against him whereas in this case the FIR has been registered on 15.3.2017 for the same incident. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that looking to the number of cases registered against the applicant he is not entitled for grant of bail.

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

5. The incident is of the year 2004-2005 and the case is that the applicant in capacity of the Director of Sant Siromani Society, Durg induced various persons to make deposits in the society promising to pay 15%, 20%, 25%, and 30% per month in the schemes and also promising to return the amount in double within a period of one year. As the promises could not be fulfilled, the depositors have lodged the FIR.

6. Considering the submissions and the contents of the case diary, the applicant is a local resident of District Durg, the charge-sheet has been filed and no purpose would be served if the applicant is kept in detention for the whole period of trial, this application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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