

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7990 of 2017

- Agastin Peter S/o Charly Peter, Aged About 41 Years, R/o Baldev Bag, Police Station Kotwali, Rajnandgaon, Tahsil, Civil And Revenue District Rajnandgaon Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Police Station Ambagarh Chowki, Civil And Revenue District Rajnandgaon Chhattisgarh., Chhattisgarh

---- Non-applicant

MCRC No. 8030 of 2017

- Mahesh Ramji Bhaisachhan S/o Ramji, Aged About 40 Years, Caste Teli, R/o Village Botekasa, Police Station Korchid, District Gadchiroli Maharashtra , Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Ambagarh Chowki, Civil And Revenue District Rajnandgaon Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicants – Shri Punit Ruparel, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-03-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.230/2017 registered at P.S. Ambagarh Chowki, District Rajnandgaon, Chhattisgarh for the offence under Section 420/34 of the IPC, they are being decided by this common order.
2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court filed by the applicants for grant of regular bail. Applicant Agastin Peter (in MCRC No.7990/2017) has been arrested on 30-10-2017 and applicant Mahesh Ramji Bhaisachhan (in MCRC No.8030/2017) has been arrested on 28-11-2017 in connection with aforesaid crime number and offence.
3. It is submitted on behalf of the applicants, that the applicants have been

falsely implicated in this case, in fact, both these applicants were not Director, but, were salary paid employees of the company. The main accused Bhuneshwar Gedam filed an application before the concerned Court asking permission to swear an affidavit to state that these applicants were salary paid employees of the said company. Hence, looking to this fact that the applicants not being Director and not being the policy maker of the said company, have acted only on the instructions given by the Directors of the company, no offence is made out against them. Therefore, it is prayed that they may be released on bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that according to the registration documents of company Om Sai Kripa Land Developers India Ltd., it is clearly showing that applicant Agastin Peter (in MCRC No.7990/2017) and applicant Mahesh Ramji Bhaisachhan (in MCRC No.8030/2017) are Directors of the company along with co-accused Bhuneshwar Gedam. Hence, looking to the magnitude of the offence committed by the company, these applicants are not entitled for grant of bail.

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

6. Allegation against these applicants and co-accused person is that the applicants in the capacity of Directors of company Om Sai Kripa Land Developers India Ltd. allured the various investors of the area with promise to return the double of the deposits made by them and after receiving deposits, they also issued certificates, but the maturity amount was not paid even after the maturity of the certificate issued to various depositors, on the contrary, the office of the company was closed down and the Directors went in hiding, because of which, the FIR was lodged and the case has been registered.

7. Considered on the submissions made and contents of the case diary.

8. Considering on the gravity and magnitude of the offence, I am of this view that these applicants do not deserve to be benefited with grant of regular

bail. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil