

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8764 of 2018

Mohan Kumar Munna, S/o. Shri Shatrughan Munna, Aged About 51 Years,
R/o. Lalpur, Shiv Chowk, In Front Of Gajanand Kirana Store, Police
Station Tikrapara, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station
Telibandha, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Om. P. Sahu, Advocate

For Respondent : Mr. D.R.Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.12.2018

1. This is the fourth bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.72/2016 registered at Police Station- Telibandha, Raipur, Distt. Raipur (C.G.) for the offence punishable under Section 420, 406, 409, 120-B, 34 of Indian Penal Code and Section 10 of Protection of Investors Act, 2005.
2. The first bail application was dismissed on 07.09.2016 in MCRC No.4658 of 2016, second bail application was dismissed on 26.07.2017 in MCRC No.4777 of 2017 and third bail application was dismissed as withdrawn on 22.02.2018 in MCRC No.968 of 2018.
3. As per the prosecution case, certain amounts were collected by the Company namely SUSK India Limited & Shining Star Infrastate Limited from the different depositors with a promise to return the same with a high return, however, after the considerable period

when the amount was not paid to various persons, on enquiry it was found that the office of both the Companies were closed. The said collection was without permission of RBI or SEBI, thereby, the offence has been committed.

4. Learned counsel for the applicant submits that the similarly placed co-accused Kanhaiya Lal Ojha, Puranik Dewangan & Lalit Pal have been enlarged on bail by this Court and the case of the present applicant is similar as one of the accused Lalit Pal who was also granted a DIN number from the Government of India, which is part of the copy of challan would show that he was also Director and was enlarged on bail. Therefore, the present applicant who was a Development Managing Director is also entitled for the bail. It is further submitted that the applicant has also invested in the Company, therefore, the similar order may be passed.
5. Per contra, learned State counsel vehemently opposes the prayer for grant of bail and submits though a DIN number from the Government of India is a part of challan but that is not conclusive of the fact that Lalit Pal was a Director of any Company and the present applicant has been shown as Director of the company.
6. Perused the case diary and the documents. Last bail application was dismissed as withdrawn on 22.02.2018. The letter on which the applicant claiming parity with reference of letter dated 31.08.2010 in respect of Lalit Pal, it is not clear as to which Company Lalit Pal continued to be Director. Whereas in respect of the applicant, the clear form of document exists that this applicant was one of the Director along-with other Directors Narendra Lodhi, Dinesh Saini & Sunil of SUSK India Limited and Anil Lodhi, Santosh Kumar Jaiswal & Fathe Singh of Shining Star Infrastate Limited have been shown to be Director. Therefore, at this stage, I do not find any change of

circumstances to extend the parity to the applicant. Further, taking into fact no efforts have been made to return the money of the down trodden investors, I am not inclined to entertain this bail application.

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

Sd/-
(Goutam Bhaduri)
Judge

Ashok