

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1437 of 2018

1. Jitendra Kumar Sahu S/o Late Santram Sahu Aged About 34 Years, Caste Teli, R/o Village Basin, Tahsil Rajim, Thana Fingeshwar, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
2. Komal Pal @ Kamal Singh Pal S/o Fekuram Pal Aged About 36 Years, Caste - Pal, R/o Village Basin, Tahsil -Rajim, Thana Fingeshwar, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Fingeshwar, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Non-applicant

For Applicants – Shri Sachin Singh Rajput, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-11-2018

1. Apprehending arrest in connection with Crime No.114/2018, registered at Police Station – Fingeshwar, District Gariyaband, Chhattisgarh for offence punishable under Section 420, 34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that these applicants have been falsely implicated in this case. No case is made out against these applicants. These applicants were simply members of NGO, Sarvodaya Gramin Swasahayata Samuh and they were not involved in commission of the offence as alleged. Similarly placed co-accused persons have been granted anticipatory bail by this Court. Hence, it is prayed that these applicants may also be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that huge amount of Rs.1,38,28,914/- had been collected by inducing the innocent investors and the same was misappropriated by the NGO, of which these applicants are members, hence, no case is made out for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. Complainant Ramlal Sahu has made a complaint which was enquired and

found that the NGO as mentioned hereinabove collected Rs.1502/- from about 9027 investors promising attractive returns, which was never returned. Hence, this case.

6. Considered on the material present in the case diary. As it has appeared from the evidence collected so far that Rs.1502/- was collected from the members as membership fees and the collected amount was used in the activities of the NGO., and also for the reason that similarly placed co-accused persons have been benefited with grant of anticipatory bail, I feel inclined to allow this application.

7. Consequently, the anticipatory bail application is allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge