

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1487 of 2018**

Hemlal Pal S/o Shri Surit Ram Pal Aged About 53 Years R/o Village Baseen,
P.S. Fingeshwar, District- Gariyaband, Chhattisgarh., District : Gariyabandh,
Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent**And****M.Cr.C.(A) No. 1488 Of 2018**

Tarachand Sahu S/o Shri Nohar Ram Sahu Aged About 38 Years Caste-
Teli, R/o Village Baseen, Police Station Fingeshwar, District - Gariyaband,
Chhattisgarh., District : Gariyabandh, Chhattisgarh.

---- Applicant**Vs**

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

---- Respondent**And****M.Cr.C.(A) No. 1490 Of 2018**

Paddman Sahu S/o Shri Jagdev Sahu Aged About 53 Years Caste Teli, R/o
Village Arand, P. S. Rajim, District Gariyaband Chhattisgarh, District :
Gariyabandh, Chhattisgarh.

---- Applicant**Vs**

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

---- Respondent

For the Applicants : Shri M.L. Saket, Advocate.
For the Respondent/CBI : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.11.2018**

Heard.

1. All these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No.114 of 2018 registered at Police Station – Fingeshwar, District Gariyaband, Chhattisgarh for the offence punishable under Section 420/ 34 of the Indian Penal Code.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. These applicants had been members of *Sarvodaya Gramin Swa Sahayata Samuh* and they have no connection with the crime, if any committed. Similarly placed co-accused persons have been granted anticipatory bail by this Court. Hence, it is prayed that they may be benefited with grant of anticipatory 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 the NGO of which, these applicants are the members has committed the offence of huge defalcation of Rs.1,38,28,914/- which was collected from various beneficiaries and the same was misappropriated. Hence, this case.
4. Heard counsel for both the parties and perused the case diary.
5. Complainant – Ramlal Sahu filed a complaint stating that the NGO styled as *Sarvodaya Gramin Swa Sahayata Samuh* invited deposits of Rs.1,502/- from each of the investors promising attractive returns. About 9027 investors have deposited the aforesaid amount, total of which comes to Rs.1,38,28,914/- and thereafter, none of the depositor was refunded the

amount. Hence, this case.

6. On perusal of the case-diary, it appears that the deposit receipts show the receipt of Rs.1,502/- from each of the investor as membership fees. The allegation that the receipt of money was for the otherwise purpose needs to be investigated further. Hence, after due consideration on this material and also considering the fact that similarly placed co-accused persons have been granted anticipatory bail by this Court, I feel inclined to grant anticipatory bail to all the applicants in all the cases.

7. Accordingly, the bail applications filed by the applicants in all the cases under Section 438 of the Cr.P.C. are allowed.

8. It is directed that in the event of arrest of the applicants in all the cases in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them on 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. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants 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 them from disclosing such facts to the Court or to any police officer;

- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi