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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 306 of 2019**

Pradeep Chandrakar, S/o. Surendra Chandrakar, Aged About 28 Years,
Occupation -Patwari (Govt. Servant), Posted at Kawardha, R/o.
Ghorpendri, Police Station-Pandatarai, Tahsil Pandaria, Civil and Revenue
District Kabirdham Chhattisgarh

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Sarkanda, Bilaspur -District Bilaspur Chhattisgarh.

---- Respondent**M.CR.C.(A). No. 308 of 2019**

Pradeep Chandrakar, S/o. Surendra Chandrakar, Aged About 28 Years,
Occupation -Patwari (Govt. Servant), Posted at Kawardha, R/o.
Ghorpendri, Police Station-Pandatarai, Tahsil Pandaria, Civil and Revenue
District Kabirdham Chhattisgarh

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Koni District Bilaspur Chhattisgarh.

---- Respondent**M.CR.C.(A). No. 309 of 2019**

Pradeep Chandrakar, S/o. Surendra Chandrakar, Aged About 28 Years,
Occupation -Patwari (Govt. Servant), Posted at Kawardha, R/o.
Ghorpendri, Police Station-Pandatarai, Tahsil Pandaria, Civil and Revenue
District Kabirdham Chhattisgarh

----Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Sarkanda, District Bilaspur Chhattisgarh

---- Respondent**M.CR.C.(A). No. 311 of 2019**

Pradeep Chandrakar, S/o. Surendra Chandrakar, Aged About 28 Years,
Occupation -Patwari (Govt. Servant), Posted at Kawardha, R/o.
Ghorpendri, Police Station-Pandatarai, Tahsil Pandaria, Civil and Revenue
District Kabirdham Chhattisgarh

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Sarkanda, District Bilaspur Chhattisgarh.

---- Respondent**M.CR.C.(A). No. 324 of 2019**

Pradeep Chandrakar, S/o. Surendra Chandrakar, Aged About 28 Years,
Occupation -Patwari (Govt. Servant), Posted at Kawardha, R/o.
Ghorpendri, Police Station-Pandatarai, Tahsil Pandaria, Civil and Revenue
District Kabirdham Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station – City Kotwali, District Bilaspur Chhattisgarh.

---- Respondent

M.CR.C.(A). No. 325 of 2019

Pradeep Chandrakar, S/o. Surendra Chandrakar, Aged About 28 Years, Occupation -Patwari (Govt. Servant), Posted at Kawardha, R/o. Ghorpendri, Police Station-Pandatarai, Tahsil Pandaria, Civil and Revenue District Kabirdham Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Bilaspur, District : Bilaspur, Chhattisgarh

---- Respondent

M.CR.C.(A). No. 379 of 2019

Satanand Chandrakar, S/o. Shri Dilip Kumar, (Wrongly Mentioned As Surendra Chandrakar), Aged About-30 Years, Occupation Patwari (Govt. Servant), Posted At Kawardha, R/o Village Rengabod, P.O. Mahali, P.S. Kunda, Tahsil Pandariya, Civil and Revenue District- Kabirdham, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Koni District Bilaspur Chhattisgarh.

---- Respondent

M.CR.C.(A). No. 380 of 2019

Satanand Chandrakar, S/o. Shri Dilip Kumar, (Wrongly Mentioned As Surendra Chandrakar), Aged About-30 Years, Occupation Patwari (Govt. Servant), Posted At Kawardha, R/o Village Rengabod, P.O. Mahali, P.S. Kunda, Tahsil Pandariya, Civil and Revenue District- Kabirdham, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station – City Kotwali, District Bilaspur Chhattisgarh.

---- Respondent

M.CR.C.(A). No. 392 of 2019

Satanand Chandrakar, S/o. Shri Dilip Kumar, (Wrongly Mentioned As Surendra Chandrakar), Aged About-30 Years, Occupation Patwari (Govt. Servant), Posted At Kawardha, R/o Village Rengabod, P.O. Mahali, P.S. Kunda, Tahsil Pandariya, Civil and Revenue District- Kabirdham, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station – Sarkanda, District Bilaspur Chhattisgarh.

---- Respondent

AND**M.Cr.C.(A). No. 393 of 2019**

Satanand Chandrakar, S/o. Shri Dilip Kumar, (Wrongly Mentioned As Surendra Chandrakar), Aged About-30 Years, Occupation Patwari (Govt. Servant), Posted At Kawardha, R/o Village Rengabod, P.O. Mahali, P.S. Kunda, Tahsil Pandariya, Civil and Revenue District- Kabirdham, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station – City Kotwali, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate
In M.Cr.C.(A) No.306, 308, 309,
311, 324 & 325 of 2019.

For Applicant : Mr. Ganesh Burman, Advocate
In M.Cr.C.(A) No.379, 380, 392
& 393 of 2019

For Respondent/State : Mr. Arun Shukla, Govt. Advocate

For Complainants : Mr. Qamrul Aziz, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/03/2019**

1. As the applicants in all the cases are common and the nature of the complaints against them is also common, therefore, the cases are being disposed off by this common order.
2. The applicants are apprehending arrest in connection with the following crime numbers, registered at following police stations for the following offences, have preferred these applications for grant of anticipatory bail

<i>Applicants in M.Cr.C. No.</i>	<i>Crime No.</i>	<i>Police Station</i>	<i>Offence u/s.</i>
M.Cr.C.(A) 306 of 2019 & M.Cr.C.(A) 392 of 2019	1028/2018	Sarkanda, Dist. Bilaspur	420, 409, 120-B of I.P.C. and Section 6 & 10 of Protection of Interest of Depositors of Chhattisgarh, 2005

M.Cr.C.(A) 308 of 2019 & M.Cr.C.(A) No.379/2019	370/2018	Koni, Dist. Bilaspur	420, 409, 120-B of I.P.C. and Section 6 & 10 of Protection of Interest of Depositors of Chhattisgarh, 2005
M.Cr.C.(A) 309 of 2019	1026/2018	Sarkanda, Dist. Bilaspur	420, 409, 120-B of I.P.C. and Section 6 & 10 of Protection of Interest of Depositors of Chhattisgarh, 2005
M.Cr.C.(A) 311 of 2019	3331705718 1006/2018	Sarkanda, Dist. Bilaspur	420, 34 of I.P.C. and Section 6 & 10 of Protection of Interest of Depositors of Chhattisgarh, 2005
M.Cr.C.(A) 324 of 2019 and M.Cr.C.(A) 380 of 2019	514/2018	City Kotwali, Dist. Bilaspur	420, 409, 120-B of I.P.C. and Section 6 & 10 of Protection of Interest of Depositors of Chhattisgarh, 2005
M.Cr.C.(A) 325 of 2019 and M.Cr.C.(A) 393 of 2019	515/2018	City Kotwali, Dist. Bilaspur	420, 409, 120-B of I.P.C. and Section 6 & 10 of Protection of Interest of Depositors of Chhattisgarh, 2005

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. It is submitted that the applicants Pradeep Chandrakar and Satanand Chandrakar both are public servants working as Patwari, however, they were also working as agent of Dream Education Society in promoting its scheme and for taking investment from the investors. The applicants had bonafidely believed in the schemes of the company and have promoted the same. Later on when it has come to the knowledge of the applicants that the investors have been defrauded, then these applicants have made efforts to make refund of the amount to the complainants and they have substantially repaid the amount, out of which only a part of payment is outstanding. The complainant in all six cases have no objection, if the, anticipatory bail is granted to these applicants. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.

4. Per contra learned State counsel opposes the applications for grant of bail and the submissions made in this respect. It is submitted that the offence under Section 409 of the Indian Penal Code is non-compoundable and only by making refund, it can not be said that there is no case against the applicants, therefore, the applications be rejected.
5. Counsel for the complainants Vyas Narayan Kashyap (in Crime No.1028/2018), Ajay Kumar (in Crime No.370/2018), Bijendra Kumar Khandekar (in Crime No.1026/2018), Dr. Sanjay Banjare (in Crime No.33317057181006/2018), Chandramani Thakur (in Crime No.324/2019) and Rakesh Kumar Rathore (in Crime No.515/2018) has stated before the Court in support of the applicants that the applicants have made refund to the complainants concerned, therefore, the complainants have no objection, if anticipatory bail is granted to the applicants in these cases.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. Story of the prosecution in all the cases are same that the applicants in all the cases working as an agent of Dream Education Society, who promoted the investment schemes by giving inducement to the investors, to invest huge amount promising attractive returns by way of maturity amount, which was never returned by the company because of which FIR has been lodged in each cases.
8. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary against these applicants and for the reasons that the complainants in all respective cases do not have any objection in grant of

anticipatory bail to these applicants and also for the reasons that these applicants have made bonafide efforts to make good the loses to the complainant, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

9. Accordingly, all the anticipatory bail application filed under Section 438 of Cr.P.C. are allowed.
10. It is directed that in the event of arrest of the applicants 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 each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants 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 him/her 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge