

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2007 of 2019

Maheshwar Sinha, S/o. Shri Pitamber Sinha, Aged About 42 Years, R/o. Nahanda, Police Station- Evari, District- Balod, Chhattisgarh. Present Address- Sunder Vihar Colony, Kurud, Police Station- Jamul, District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The District- Magistrate, Durg, Police Station- Durg, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.N.Pandey, Advocate

For Respondent : Mr. Sanjay Agrawal, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.04.2019

1. This is the third 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.488/2016, registered at Police Station- Supela, District Durg (C.G.) for the offence punishable under Sections 420, 409, 120(B) / 34 of Indian Penal Code and under Section 3, 4, 5 & 6 of Enami Chit Aur Dhan Parichalan Adhiniyam and Section 10 of C.G. Ke Nikshepo Ke Hito Ka Sanrakshan Adhiniyam, 2005. The first bail application was dismissed on merit on 22.03.2017 and second was dismissed on 28.11.2017.
2. As per the prosecution case, the applicant on behalf of BMA Wealth Creators Company took the franchise of the Company and the Company allured different persons and invited for investment with an allurement to double the same within a short span of time. When the amounts were deposited by various depositors, the present applicant used the same for his own and therefore failed to return the same on behalf of the Company and issued cheques

which were bounced. It is alleged that the applicant projected himself to be part and parcel of the Company and received the amounts for his own use, thereby the fraud has been committed.

3. Learned counsel for the applicant submits that the applicant is in jail since 20.06.2016 and the trial is not concluded till date, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. The allegation is that the applicant has received the amount on behalf of the Company and used it for his personal benefit and thereafter given the cheque which was bounced. As per the State counsel, the amount which has been misappropriated is about more than 20 Crores. Considering the same, earning such huge extent cannot be substituted and equated with the period of detention unless the actual amount is not returned to the needy. There is no change of circumstances appears in facts of the case, I am not inclined to entertain this repeat bail application. Accordingly, it is dismissed. The trial Court however is requested to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge