

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 448 of 2019**

1. Vedprakash Verma S/o Shri Chaturbhuj Verma Aged About 37 Years R/o Village- Chaweli, Post- Kaprikhurd, Police Station- Ghumka, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
2. Ganesh Ram Verma S/o Shri Rameshar Verma Aged About 28 Years R/o Village- Ghoghre, Post And Police Station- Chhuikhadan, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through District- Magistrate, Kabirdham/ Station House Officer, Police Station- Boramdev, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 460 Of 2019**

Kamlesh Verma S/o Paltan Verma Aged About 43 Years R/o House No.2, Riddhi Siddhi Colony, Rajnandgaon, Tahsil And District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through The Station House Officer, Police Station- Boramdev, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Dharmesh Shrivastava and Shri B.D. Guru, Advocates.
For the Respondent/State	:	Shri Arun Kumar Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.04.2019**

Heard.

1. Both these applications are being decided by this common order as they arise from the same 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.75 of 2016 registered at Police Station – Bhoramdev, District Kabirdham, for the offence punishable under Sections 420 and 406/ 34 of the Indian Penal Code, Sections 3, 4 and 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Section 10 of the Chhattisgarh Protection of Depositors Interest Act, 2005.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. On behalf of applicants – Vedprakash Verma and Ganesh Ram Verma in M.Cr.C.(A) No. 448 of 2019 it is submitted that they were working as agents of Vee Realities India Limited. These applicants were not the Directors or formulators of the schemes. They had simply believed on the instructions given by the company officials and acted accordingly. They are neither beneficiaries of the schemes nor the beneficiaries of the amount deposited by the investors. The main allegation is against one co-accused – Udaksha Kumar Verma, the then Director of the Company. Hence, it is prayed that the applicants in M.Cr.C.(A) No. 448 of 2019 are entitled for grant of anticipatory bail.

On behalf of applicant – Kamlesh Verma in M.Cr.C.(A) No. 460 of 2019, it is submitted that this applicant was though a Director of the Company had resigned on 23.11.2014. Similarly placed co-accused – Udaksh Kumar Verma has been granted anticipatory bail by this Court in M.Cr.C.(A) No.1224 of 2018 vide order dated 22.10.2018 and this applicant also has a similar case. In the appeal filed by co-accused – Udaksh Kumar Verma before the Securities Appellate Tribunal, Mumbai, it has been held

that the present Directors of the company would be responsible to make refund to the investors and on their failure the liability would be shifted to the past directors. It is also submitted that number of investors have given affidavits that they have been refunded their deposits and the copy of the same has been filed alongwith the application. Hence, it is prayed that the applicant in M.Cr.C.(A) No. 460 of 2019 is entitled for 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 applicant - Kamlesh Verma had been the Director of the Company during initial stage of the commission of offence in the year 2013 and thereafter, he has resigned. Hence, looking to the case against the applicants, they are not entitled for grant of anticipatory bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the applicants in M.Cr.C.(A) No.448 of 2019 were the agents of Vee Realities India Limited Company and applicant – Kamlesh Verma was one of the Directors. Inducements were given to various depositors including the complainants to make deposit in the fraudulent schemes. Accordingly, the deposits were made and the investors lost the said amount, therefore, the FIR has been lodged.

6. On the basis of the documents filed in M.Cr.C.(A) No.460 of 2019 it can be said that applicant – Kamlesh Verma was though the Director at the initial phase, but he had resigned in the year 2014, before the deposits were due to mature therefore, he was not the Director at the time of maturity of the investments and with regard to the applicants in M.Cr.C.(A) No. 448 of 2019, there is no dispute that they were the agents of the said company. Hence, after overall consideration and for the reason that similarly placed co-accused -Udaksh Kumar Verma has been granted anticipatory bail by this Court, I feel inclined to grant anticipatory bail to all the applicants in both the cases.

7. Accordingly, the bail applications filed by the applicants in both 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 both 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