

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 470 of 2019

- Smt. Charanjeet Kaur, W/o Jitendra Singh Dhilllo, Aged About 28 Years R/o LIG 66, Near Gufrudwara Tatiband, Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station-Aamanaka, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

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MCRC No. 1906 of 2019

- Gagandeep Randhawa @ Hardev Singh S/o Rudhsingh Aged About 28 Years R/o Indrapast Colony Raipura, Raipur, Distrtict- Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station-Aamanka, Raipur, Distrtict- Raipur, Chhattisgarh.

---- Respondent

For Applicants	:Mr. UKS Chandel, Advocate.
For Objector	:Ms. Rashul Bhawnani, Advocate.
For Respondent/ State	:Mr. Aditya Sharma, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

22/04/2019

1. Since the above bail applications are similar in nature and arise out of the same chain of incidents, they are being heard and decided together by this common order.
2. Applicant has filed M.Cr.C(A) Nos.470/2019 seeking anticipatory bail

as she apprehend her arrest in connection with Crime No.51/2019 registered at Police Station-Aamanaka, District-Raipur for the offence punishable under Sections 420, 34 Indian Penal Code (for short 'IPC').

3. Applicant has filed M.Cr.C. No.1906/2019 seeking regular bail as he has been arrested in connection with Crime No.51/2019 registered at Police Station-Aamanaka, District-Raipur for the offence punishable under Sections 420, 34 of the Indian Penal Code (for short 'IPC').
4. Learned counsel for applicants submitted that applicants have been falsely implicated in this case. No case is made out against them. Applicant Gagandeep Randhawa @ Hardev Singh is brother of Charanjeet Kaur, applicant in MCRCA No.470/2019, who had borrowed money from the complainant party and all the borrowed amount has been repaid with interest. The co-accused and all the complainants belongs to the same family and there is no sort of cheating. Applicant Charanjeet Kaur is a woman having a child of 7 years and applicant Gangandeep Randhawa @ Hardev Singh, who is in jail, is HIV positive. Therefore, it is prayed that applicant Charanjeet Kaur be released on regular bail, whereas, applicant Gagandeep be granted anticipatory bail.
5. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicants in both the cases have borrowed money from the complainant as well as 10 to 15 other persons by promising that they will return double amount after one year but no refund has been made to any person from whom the amount was borrowed. Total amount of investment is Rs.1 Crore. Therefore, applicants are not entitled for grant of anticipatory or regular bail.

6. Objector/complainant along with 11 others have filed objection.

Learned counsel appearing for objector submits that making use of amicable relations with objectors the applicants in both the cases borrowed huge amount from all these persons giving assurance that they will return the amount alongwith profit but nothing has been repaid to any of the objectors. Thus, the objectors have been cheated by the applicants, hence, it is prayed that the applications be rejected.

7. Heard both the parties and perused the case diary.

8. As per complaint, the applicants in both the cases have borrowed Rs.1 crore from the complainant and others by promising that they will return double the amount within 6 months to 1 year. They also entered into an agreement in this regard, but no refund has been made to any of the renders. Hence, this case.

9. Prima facie It appears that it is a case of money transaction in which the applicants failed to make refund and therefore allegation of cheating has been made which needs further investigation. Moreover, Civil claim of the complainant and others is also alive in this case. Therefore, after due consideration, I am of this view that this is a fit case where applications filed by the respective applicants are deserve to be allowed.

10. Accordingly, the anticipatory bail application filed on behalf of applicant Smt. Charanjeet Kaur is allowed and it is directed that in the event of her arrest in connection with the aforesaid offences, she shall be released on bail by the officer arresting her on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by following conditions :-

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

11. Bail application filed on behalf of applicant i.e. M.Cr.C. No 1906/2019 is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge