

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 543 of 2019**

Rupindar Pal Singh Chhabra S/o Late Shri G. S. Chhabra Aged About 45 Years R/o 307, Gupteshwar Ward, Madan Mahal Jabalpur, District - Jabalpur Madhya Pradesh., District : Jabalpur, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Pandri, Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Pillai, Advocate.
For the Respondent/State : Shri I. Lakra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.04.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 501 of 2018, registered at Police Station Pandri, Raipur, District Raipur, Chhattisgarh for the offence punishable under Section 420, 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The Company Plus Gold Union Coin Online Website Scheme really existed in which the applicant himself has made some investments. The applicant himself had filed a complaint against the

Directors of the said company which has been registered in the police station STF Bhopal for the offences under Sections 420, 468 and 471 of the Indian Penal Code and Section 66D of the Information Technology Act on 14.11.2018, therefore, he himself is one of the persons cheated and he was not a party to the said commission of offence as alleged in the FIR. It is also submitted that earlier receiving deposits and investments was lawful for non-banking financing companies but the same has been restrained by the Reserve Bank of India by its circular dated 6.4.2018 and that is the reason the company failed. Hence, on this ground also it is not a case of cheating. It has been proposed on behalf of the applicant through his counsel that the applicant is ready to make deposits of all the amounts received from the complainant, hence, on this condition he may be granted anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant is very clearly involved in the commission of offence of cheating alongwith the other co-accused persons by taking investments in fraudulent schemes for a fraud company. Apart from the complainant, the applicant had received deposits from various other persons and the total investment by various persons runs into crores of rupees. There is also evidence collected that the applicant had taken deposits from the investors in his personal account and it has been found in the investigation that the website of Plus Gold Coin Online was a forged one therefore, it is a case of fraud and cheating of huge amount. Hence, the application be rejected.

5. In reply, it is submitted by counsel for the applicant that the liability of the applicant is limited only to Rs.5,00,000/- which he is ready to deposit with

the Court. The applicant himself is one of the investors of the said Company and that the FIR has been lodged in that case is subsequent to the one he lodged against the Directors of the said Company. Hence, the application be allowed.

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

7. It is alleged in the FIR lodged by complainant – Dr. Sunita Nimbalkar that the applicant approached her and gave inducement that by making investment in the scheme of Plus Gold Coin Online Website she will receive double the amount after three months. Getting induced, she has deposited in total Rs.5,00,000/- which is now lost. Later on, when she made an enquiry she found that the Plus Gold Coin Online Website is a forged website.

8. On perusal of the case-diary, it appears that other witnesses have also made statement that this applicant has taken deposits from the witnesses in his personal account and thereby, they were cheated, therefore, these witnesses also stand in the footing of the complainant. The case is under investigation and there may be further disclosure of the magnitude of the offence in this case. Hence, on the basis of these observations, I do not feel inclined to grant anticipatory bail to the applicant.

9. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge