

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 582 of 2019**

- Arun Verma S/o Shree Umend Singh Verma Aged About 38 Years R/o Rajaswa Colony, Sarkanda, Police Station Sarkanda, District Bilaspur Chhattisgarh

---- Applicant***Versus***

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

---- Respondent***And*****M.Cr.C.(A) No. 583 Of 2019**

- Arun Verma S/o Shree Umend Singh Verma Aged About 38 Years R/o Rajaswa Colony, Sarkanda, Police Station Sarkanda, District Bilaspur Chhattisgarh

---- Applicant***Versus***

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

---- Respondent

For the Applicants : Mr. Mahendra Dubey, Advocate.
For the Respondent/State : Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.07.2019**

Heard.

1. Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications

under Section 438 of Cr.P.C. filed by the applicant for grant of anticipatory bail. It is submitted by the counsel for the applicant that the applicant in both the cases is apprehending arrest in Crime Nos. 514/2018 and 515/2018, registered at Police Station – City Kotwali, Bilaspur, District- Bilaspur, C.G., for the offence punishable under Sections 420, 409, 120(B)/34 of the Indian Penal Code and Sections 6 and 10 of the Chhattisgarh Ke Nikshepako Ke Hito Ka Sanrakshan Adhiniyam, 2005.

2. Learned counsel for the applicant submits that this applicant had not committed any offence, he has simply failed in keeping his promise which is not a criminal act. The co-accused persons have been granted anticipatory bail by this Court, further, this applicant had been granted anticipatory bail in four other cases registered against him by the Sessions Court itself. Therefore, it is prayed that the applicant in both the cases is entitled for grant of anticipatory bail.
3. On the other hand, learned counsel for the State opposes the bail application and submits that this applicant is the proprietor of the company Career Dream Education Society therefore, he is the main accused responsible for the offence committed. Therefore, his application may be rejected.
4. Heard counsel for both the parties and perused the case diary.
5. In Crime No.514/2018 complainant- Chandramani Thakur has stated that he had made an investment of Rs.2,00,000/- in the company of the applicant on promise of attractive returns. Thereafter, he has neither received any profit nor his amount which he has invested was

refunded to him.

6. In Crime No.515/2018, complainant- Rakesh Thakur has stated that on the inducement given by this applicant, he made an investment of Rs.2,00,000/- in the company of the applicant on the basis of promise made for attractive returns but thereafter, he has not received any profit nor his amount which he has invested was refunded to him.
7. After considering on the material present on the case diary and also that the similarly placed other co-accused persons have been granted anticipatory bail and also for the reason that in similar other cases, this applicant has been granted anticipatory bail. Therefore, I feel inclined to allow this application.
8. Accordingly, the bail applications filed by the applicant in both the cases under Section 438 of the Cr.P.C. are allowed.
9. It is directed that in the event of arrest of the applicant in both the cases in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him 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. He shall also abide by the following conditions:
 - '(i) that the applicant shall make himself 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 them 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 him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Monika