

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3572 of 2019**

Ajay Yadav S/o Umeshwar Yadav Aged About 34 Years R/o Village Tapkara Road, Kunkuri, Tehsil Kunkuri, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

**Versus**

State Of Chhattisgarh Through Station House Officer, Bankimongra, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

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|---------------|---|-------------------------------------------|
| For Applicant | : | Shri Ajay Ayachi, Advocate                |
| For State     | : | Shri Sanjay Kumar Agrawal, Govt. Advocate |

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**S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**26/07/2019**

Heard.

1. This is the second bail application on behalf of the applicant. His earlier bail application has been dismissed for want of prosecution. The applicant has been arrested in connection with Crime No.76 of 2014 registered at Police Station- Bankimongra, District -Korba, (CG) for the alleged commission of offences under Sections 420, 467, 468, 34 IPC and Section 4-5 Chitfund and Money Circulation Act, 1972.
2. Learned counsel for the applicant would argue that the applicant has been involved in the alleged commission of offence even though he has not committed any offence nor had any such mens rea of cheating the investors. It is argued that the applicant is in jail since 10.1.2017. He would further submit that case of a similarly situated Director of the same Company was considered by this Court vide order dated 10.7.2018 passed in M.Cr.C. No.3224 of 2018, whereby Manish (applicant therein) has been granted bail. He would submit that at present, the trial is not likely to be concluded because out of 26 prosecution witnesses, only 4 witnesses are examined. He would further submit that in fact, now, the aggrieved investors have moved an application

under Section 320 (2) Cr.P.C. before the Court below for compounding the offence after receiving the amount back which was invested by them with the company of which the applicant happens to be the Director. Therefore, under these circumstances, the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State would submit that merely because the parties have now applied for compounding of offence after receiving invested money, criminal liability would continue.
4. Having considered the submissions made by learned counsel for the parties and particularly taking into consideration the submission that later on the parties have proceeded to seek compounding of offence by moving an application under Section 320 (2) Cr.P.C. and further submission that during Court's examination, it has been stated that the amount invested by four investors have now been paid back to them and that the applicant is languishing in jail since 10.1.2017, at this stage, I am inclined to grant benefit of bail to the applicant.
6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court, with following further conditions:
  - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
  - (ii) 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.

Certified copy as per rules.

Sd/-  
**(Manindra Mohan Shrivastava)**  
Judge