

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3487 of 2019

- Parmanand Sahu, S/o Mr. Kriparam Sahu, Aged About 43 Years, R/o Village & Post- Patpar, Police-Station- Chichola, Tahsil- Dongargarh, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police-Station-Basantpur, Rajnandgaon, Chhattisgarh.

---- Respondent

MCRC No. 4085 of 2019

- Dukhharan Kumar Sahu, S/o Narad Das Sahu, Aged About 33 Years R/o H.No. 25, Street No. 06 Sector - 02, Bhilai District Durg Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Basantpur, District-Rajnandgoan, Chhattisgarh.

---- Respondent

MCRC No. 4477 of 2019

- Nohar Lal Sahu, S/o Bodhi Ram Sahu, Aged About 33 Years, R/o Behind Gayatri Mandir, Ram Nagar, Supela, Bhilai, Tahsil & District- Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Basantpur, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Raza Ali , Advocate in MCRC
Nos.3487/2019.

Mr. Awadh Tripathi, Advocate in MCRC No.

4085/2019 & 4477/2019.
For Respondent : Mr. Vikram Dixit, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/07/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications filed under Section 439 of the Code of Criminal Procedure, 1973 are second bail applications on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.31/2019 registered at Police Station-Basantpur, District – Rajnandgaon (C.G.) for the offence punishable under Sections 420, 34 of Indian Penal Code (for short 'IPC') & Section 10 of C.G. Nikshepako Ka Sanrakshan Adhiniyam.
3. Learned counsel for applicant Parmanand Sahu in MCRC No.3487/2019 submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 2.2.2019. He himself has been cheated by the company styled as “N.D. Tradelink India Ltd.” The applicant was just working was an agent of the said company and he had also made some investments in his own name. Some of his relatives have also made investments at the instance of this applicant. This applicant had no knowledge that he was made Director of the said company and all the business was being conducted by using forged signature of the applicant. Hence, no case is made out against this applicant and therefore, it is prayed that he may be released on regular bail.
4. Learned counsel for applicant Nohar Lal Sahu in MCRC No.4477/2019

& Dukhharan Kumar Sahu in MCRC No.4085/2019 submits that applicants are innocent and have been falsely implicated in this case. They are in jail since 2.2.2019. It is submitted that this is second bail application of applicant Dukhharan Kumar Sahu for grant of regular bail. His earlier bail application bearing MCRC No.3648 of 2019 was dismissed as withdrawn on 14.6.2019. It is further submitted that they had made some investments by way of shares in the company and had also purchased some lands in the name of the company in the capacity of 'Director' under the authorization given by the other Directors. On 20.8.2012 applicants resigned from the post of Director and thereafter they were never engaged in the business of the said company. Hence, the allegation of commission of offence of cheating etc. against them is baseless. One similarly placed co-accused namely Omeshwar Sahu has been granted anticipatory bail by this Court. In these circumstances, it is prayed that they be also released on regular bail.

5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that all the applicants have played an active role in the commission of offence. Applicant Parmanand Sahu is the present Director of the company whereas Nohar Lal Sahu and Dukhharan Kumar Sahu are the persons who were engaged in purchase of lands for the company. Although, applicants Nohar Lal Sahu & Dukhharan have resigned from the post of Director in the year 2012, but the commission of offence started from the year 2009. Complainant Amarnath has very particularly mentions names of these applicants as the persons on whose inducement he made investment in the fraudulent schemes of the company, therefore, it is prayed that the applications be rejected.

6. Heard both the parties and perused the case diary.
7. Complainant Amarnath Yadav has filed a complaint alleging that about 6 to 7 years prior to lodging of FIR on 28.1.2019, these applicants and co-accused Omeshwar Kumar Sahu come to his village with a proposal that if the amount is deposited in the schemes of N.D. Trad Link India Ltd. Company, the same will be doubled in 5 years. It was also informed that the company has recognition from the Reserve Bank of India; SEBI & the Registrar of Companies. Getting induced, the complainant made investments in the schemes of the company. Similarly, number of other persons have also made investments. In total 1505 investors made investments of Rs.1,29,85,250/-. Subsequent to which, no refund was made and the company offices were closed. Hence, this case.
8. Considered on the entire material present in the case diary, for the reason that the investigation in this case has been completed and charge-sheet has been filed. All the applicants appear to be local residents of State of Chhattisgarh and the trial against the applicant is likely to take time before its conclusion, therefore, I feel inclined to allow the application of all three applicants.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge