

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5169 of 2019**

- Viplaw Kumar Dey, S/o Late Ranjeet Kumar Dey, Aged About 54 Years
R/o 502 Nilanchal Colony Saraythela, Police Station Saraythela,
District-Dhanbad, Jharkhand.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station-Mohannagar, Durg,
District-Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Arvind Kumar Dubey, Advocate
For State/respondent	: Ms. Akanksha Jain, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/09/2019

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.564/2015 registered at Police-Station-Mohan Nagar, Durg, District-Durg(C.G.) for the offence punishable under Section 420/34 of IPC.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is in jail since 11.12.2015. After the filing of charge-sheet against him, the trial has not made any progress. The applicant is at present under detention in jail in Kohima, Nagaland and the other cases that are

pending against him in the State of Jharkhand and Nagaland. He has been granted bail by the Courts concerned and this is the only case in which the applicant is in jail, therefore, the applicant is languishing in jail without any fault on his part, hence, it is prayed that applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that applicant is resident of State of Jharkhand, therefore, if he is released on bail he may not be available for trial and, further, it is submitted that the applicant happens to be the Chief Managing Director of the fraudulent Chit Fund Company, hence, he is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to prosecution case, this applicant is the Chief Managing Director of Everlight Realcon Infrastructure Limited Company . The applicant and the others gave inducement to the investors to make deposits in the fraudulent schemes of the company promising attractive return. Numerous person including complainant made deposits, which were lost and, thereafter, the offices of the company were closed. Hence, this case.
6. Considering that the applicant is in jail since almost 4 years and the trial against him is still pending, therefore, only for this reason, I feel inclined to allow the application of this applicant.
7. Accordingly, this bail application filed under Section 439 of Cr.P.C. 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

Nisha