

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.A. No. 1477 of 2019

1. Rajeshwar Prasad Dwivedi S/o Late Dayashankar Dwivedi Aged About 58 Years R/o Village And Post Tedesara, Tahsil And District Rajnandgaon, Chhattisgarh
2. Anil Kumar Sahu S/o Late Man Singh Sahu Aged About 47 Years R/o Village And Post Tedesara, Tahsil And District Rajnandgaon, Chhattisgarh
3. Mahendra Sahu S/o Shri Nakul Ram Sahu Aged About 40 Years R/o Village And Post Tedesara, Tahsil And District Rajnandgaon, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Supela Bhilai, District Durg, Chhattisgarh

---- Non-applicant

For Applicants	– Mr. Awadh Tripathi, Advocate.
For Non-applicant/State	– Mr. Avinash Kumar Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-10-2019

1. This is second bail application filed for grant of anticipatory bail making the order dated 08.03.2019 passed in M.Cr.C.(A.) no. 329/2019 absolute. The applicant has apprehension of being arrested in connection with Crime No.181/2019, registered at Police Station – Supela Bhilai, District- Durg, Chhattisgarh for offence punishable under Section 420 of I.P.C., the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants that earlier the anticipatory bail was granted to applicants on condition that the applicants shall make all efforts in making refund to the remaining

investors of the various schemes of the company and after doing so, the applicants may file application for making this order absolute. Subsequent to that, the applicants have published notice in a daily newspaper 'Deshbandhu' on 17.05.2019 and 20.06.2019 making a declaration that whoever shareholders have not been refunded can approach the office of the applicants and receive the refund after showing their share Certificates. Subsequent to that, the persons, who have appeared, have been refunded and the copies of receipt have been filed along with the petition. Therefore, the applicants have complied with the order of this Court. Therefore, it is prayed that the anticipatory bail vide order dated 08.03.2019 be made absolute.

3. Learned counsel for the State/non-applicant opposes the application and submits that the name of the complainants which are mentioned in the case diary have not been refunded, therefore, it cannot be said that the applicants have complied with the order.
4. In reply, it is submitted by the learned counsel for the applicants that the complainants, whose names are present in the case diary, have already been refunded and their details were filed with the earlier application for grant of anticipatory bail.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering that the applicants have made efforts for making repayment to the investors and the investigation in this case has still not been completed, therefore, for the same reasons for which the applicants were earlier granted anticipatory bail, I feel inclined to allow this application and the order dated 08.03.2019 in M.Cr.C.(A.) No.329 of 2019 is made absolute.
7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid

offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer.

The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge