

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6238 of 2019**

- Gulam Bhai @ Rasulshah S/o Sukrat Shah Aged About 68 Years R/o EWS 688, Near Old Shiv Mandir, Vaishali Nagar, Bhilai Tahsil And District- Durg, Chhattisgrh

---- Applicant**Versus**

- State of Chhattisgarh Through The District Magistrate Durg, District- Durg, Chhattisgarh

---- Respondent

For Applicant : Shri Vipin Tiwari, Advocate

For Respondent/State : Shri Rahul Jha, GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****04/10/2019**

1. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 13.04.2017 in connection with Crime No.106/2017 registered at Police Station Supela, Distt. Durg (CG) for the offence punishable under Sections 420, 467, 468, 471, 409, 120 B read with Section 34 IPC and Section 10 of the Chhattisgarh Protection of Depositors Interest Act, 2005.
2. The First Bail Application bearing M.Cr.C. No.5682 of 2017 was dismissed on 27.09.2017.
3. As per the prosecution case, a report was made by one Gaukaran Tandon that on 30.07.2017 he deposited Rs.2 lakhs in Sahyog Bachat Sahkari Samiti wherein it was promised that he would be paid back with 13% interest. The said amount was deposited on the allurements of applicant Sukhchand Deshlahre

who was an agent. Thereafter it revealed that the said Society which was being handled by Mohd. Sabir Ali and Manish Rao Solanki. As they have been arrested and are in jail consequently, it was being managed by applicant Ghulam Bai @ Rashul and all the transactions were being done by him. However, the said amount was not returned and the deposit was made with false allurement. It is also alleged that the money was being circulated without proper sanction of RBI/SEBI.

4. Learned counsel for the applicant submits that the applicant is aged about 68 years as of now and he has developed cancer which would be evident from the medical report, therefore, he is in tremendous suffering in jail. He would further submit that if the applicant is released there is no chances of tampering of documents and the similarly placed co-accused has already been enlarged on bail, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Perused the documents. The document of Bhim Rao Ambedkar Memorial Hospital, Raipur shows that the applicant is suffering with secondary carcinoma. Considering the same, the nature of ailment and also taking into that the applicant is in jail since 13.04.2017, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
8. Certified copy today.

Sd/-

Goutam Bhaduri
Judge