

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6917 of 2018**

Vishnu Patel S/o Shri Ranchore Patel Aged About 42 Years
 R/o Jagmal Pipaiya, Post Office And Police Station- Khudel
 (Wrongly Mentioned As Kud Khudal In The Rejection Order)
 Tahsil & District- Indore, Madhya Pradesh. --- **Petitioner**

Versus

State of Chhattisgarh through the Station House Officer,
 Police Station- City Kotwali, District- Dhamtari, Chhattisgarh.,
 --- **Respondent**

For the applicant	:	Mr. Dashrath Kushwaha, Advocate
For the Respondent	:	Mr. Chandresh Shrivastava, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****08.01.2019**

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 258/2015 registered at Police Station Kotwali, Dhamtari (C.G) for the offence punishable under Sections 420 & 409/34 of IPC.
2. The first bail application was dismissed on 20.07.2016 and the second one was dismissed on 23.06.2017.
3. As per the prosecution case, the applicant being director of Sanjeevni Group of Company allured different persons to deposit money and had collected certain amounts from different depositors with an assurance to return the same with double amount within a short period of time. Subsequently, different amounts were deposited by more than 300 people. However, the Company all of a sudden was closed and the amounts were not refunded. Consequently

a report was made. It is also the case of prosecution that the said collection of money was without sanction of the Reserve bank of India or SEBI and the money was circulated.

4. Learned counsel for the applicant would submit that after closure of examination of 35 witnesses, again charges were amended and fresh charges were framed on 19.09.2018 under Sections 3, 4 & 5 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978. Thereafter the other accused who are on bail have expressed their opinion to cross examine the witnesses again and the delay so happened in trial not because of the applicant. He further submits that the charge sheet has been filed and applicant is in jail since 20.02.2016 therefore looking to the period of custody, he may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail.
6. The order sheets of the Court below have been placed. The charge sheet reveals that on 19.09.2018, additional charges were framed u/s 3, 4 & 5 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978. Thereafter, the other accused have expressed opinion to cross examine 16 witnesses out of 35 witnesses examined. It shows that the other 16 witnesses are summoned by the Court who are to be cross examined. Under the facts and circumstances, it appears that there would be considerable delay which cannot be attributed to the present applicant. Further, the applicant is stated to be in jail since 20.02.2016. Therefore, I am inclined to allow this bail application at this stage.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal

bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**

R a o