

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8732 of 2018**

- Kanhaiya Lal Ojha S/o Shiv Kumar Ojha Aged About 37 Years Caste Dhimar, R/o Shriramnagar Ward No. 41, Raipur P. S. Civil Line Raipur Tahsil and District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattishgarh Through The Station House Officer, Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant : Shri Tarun Dansena, Advocate.
For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/03/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 130/2018, registered at Police Station – City Kotwali Dhamtari, District – Dhamtari, Chhattisgarh, for the offence punishable under Sections 420, 467, 468, 120-B of the Indian Penal Code and Section 6 & 10 of C.G. Nishchhepko Ke Hito Ka Sanrakshan Adhiniyam and Section 4, 5 & 6 of Prize Chits and Money Circulation Schemes Act.
2. As per the prosecution story, Applicant is one of the Directors of a Company namely Susk India Company Limited and Shining Star Infrastate Limited. The Companies had collected the amounts from different persons through the agents at Raipur, Durg and other places

with an assurance to return the same with high rate of interest. It is alleged that after collecting the money from the depositors/investors, no amount were refunded by the said company. In this background, one of the Investors namely Raghuram Yadav lodged a report and on the basis of the said, offence has been registered. In the present case the Applicant has been taken into custody on 12.04.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that, on the basis of the materials collected by the prosecution, *prima facie*, no case is made out against the present Applicant. He further submits that, on the same allegation, total six cases have been registered against the present Applicant and out of those six cases, the Applicant has been granted bail in five cases. He also submits that initially, Applicant was in custody since 28.09.2017 in other cases. In the present case, the Applicant has been taken into custody on 12.04.2018 and since then, he is in custody till date. Since there are more than 100 witnesses, charge-sheet has been filed, the Applicant has no previous antecedent and trial is likely to take some time, therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence

collected by the prosecution and further considering the fact that Applicant is in custody since 12.04.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)

Judge