

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6943 of 2019

Damanram, S/o. Laldas Sahu, Aged About 35 Years, R/o. Village- Gungeri
Nawagaon, Thana/Tahsil- Dongargaon, Distt. Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Police Station- Kotwali, District-
Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent : Ms. Richa Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.10.2019

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 in connection with Crime No.528/2016, registered at Police Station– Kotwali, District Rajnandgaon (C.G.) for the offence punishable under Sections 406, 409, 420, 201, 120(B) of Indian Penal Code and 3 & 4 of Prize Chits & Money Circulation Schemes (Banning) Act, 1978.
2. The present application has been filed on the ground of delay. The earlier bail application was dismissed on 21.08.2018 wherein request was made to expedite the trial and now the present application has been filed.
3. As per the prosecution case, a report was made by Rakesh Kurre on 03.08.2016 that he had purchased three bonds of Saktinagar Branch, Rajnandgaon of Guru Sai Real Estate & Applied Limited for Rs.2,50,000/-. Subsequently, the name of Company was changed

as Sadguru Sai Civil Construction Company. When the complainant was in need of money, he surrendered the bond and the Company refused to pay the money. The said collection of money was made with a promise to return the amount with high rate of interest, without there being any sanction of RBI or SEBI, thereby the offence has been committed.

4. Learned counsel for the applicant submits that the petitioner is in jail since 26.08.2016 and almost three years have passed and only 9 witnesses have been examined; therefore, the petitioner's case may be considered as the other accused namely Lakhan Say has already been enlarged on bail in MCRC No.2980 of 2019.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Perused the order passed in MCRC No.2980 of 2019. Considering the fact that the other accused has been enlarged on bail on the ground of delay and the present applicant is in jail since 26.08.2016, which is not disputed by the State counsel, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond for 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.

Certified copy today.

Sd/-
(Goutam Bhaduri)
Judge