

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9024 of 2018**

- Kanhaiya Lal Ojha S/o Shiv Kumar Ojha Aged About 37 Years Cast Dhimar, R/o Shriramnagar Behind I.T.I. Shyam Nagar, Telibandha, Raipur, P.S. Civil Line Raipur, Tahsil And District- Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- Police Station Mohan Nagar, Durg, District- Durg, Chhattisgarh

---- Respondent

For Applicant : Shri Awadh Tripathi, Advocate

For Respondent/State : Shri Ghanshyam Patel, GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****21/02/2019**

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.164/2016 registered at Police Station Mohan Nagar Durg, District Durg (CG) for the offence punishable under Sections 420, 406, 409, 120B, 34 IPC and Section 10 of the C.G. Nishchhepko ke hito ka Sanrakshan Adhiniyam, 2005.
2. The First bail application bearing M.Cr.C. No.3492 of 2018 was dismissed on 03.08.2018.
3. As per the prosecution case, the applicant who is one of the Directors of the Company namely Susk India Company Limited in connivance with other Directors and persons have collected huge amounts from different persons in

the name of the Company which was spread all through at Raipur, Durg and other places with an assurance to return the same with high rate of interest. Eventually, the office of the Company was closed and all the depositors suffered and as per the prosecution the said collection and circulation of money was made without permission of the RBI or SEBI.

4. Learned counsel for the applicant submits that the applicant was not the Director and is initially in jail since 29.08.2017 and in this case he was shown to be arrested on 23.01.2018. He further submits that the other similarly placed co-accused namely Lalit Pal has been enlarged on bail vide M.Cr.C. No.3905 of 2018 and out of 110 witnesses only few of the witnesses have been examined and the trial may take time, therefore, the applicant may be released on bail.
5. Learned State counsel is not able to dispute the fact that the co-accused as also this applicant have been enlarged on bail by the co-ordinate Bench in other crime number.
6. Considering the facts of this case and also taking into the detention of the applicant and also that the other similarly co-accused person has been enlarged on bail and the present applicant is also enlarged on bail in other crime by the co-ordinate Bench, 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.

Sd/-

Goutam Bhaduri
Judge

Ashu