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HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1243 of 2020

Dhiren Swain, S/o Lingraj Swain, Aged about 46 years, R/o Rugam, PS- Bargarh, District Ganjam (Orissa) ---- **Applicant**

Versus

- State of Chhattisgarh, Through – Out Post- Manikpur, PS- SHO- Kotwali, District Korba (C.G.) ---- **Respondent**

withMCRC No. 3136 of 2020

Hiten Swain, S/o Lingraj Swain, Aged about 35 years, R/o Rugam, PS- Bargarh, District Ganjam (Orissa)

---- **Applicant****Versus**

- State of Chhattisgarh, Through – Out Post- Manikpur, PS- SHO- Kotwali, District Korba (C.G.)

---- **Respondent**

For Applicants : Mr. Shailendra Dubey, Advocate.
For Respondent/State : Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26.06.2020**

- The accused/applicants have moved their **Second Bail Application** filed under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 419/2018 registered at Police Station– Out Post- Manikpur, PS- SHO- Kotwali, District Korba (C.G.) for the offence punishable under Sections 420 and 409 read with Section 34 of IPC and under Sections 3, 4 and 5 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978 and under Section 10 of the C.G. Nikshepkon ke Hiton ka Sanrakshan Adhiniyam.
- The first bail application of the applicants was dismissed as withdrawn with liberty to revive the same after examination of the

material witnesses in MCRC Nos. 5980/2019 and 7766/2019 vider orders dated 14.11.2019 and 07.01.2020 respectively.

- According to the prosecution story, on 22.06.2018 the complainant Deepak Kumar Yadav lodged a written complainant before the Police Station In-charge Manikpur, Korba that M/s Binodini Products Limited opened its office near Sharda Vihar, Korba and the complainant was given false offer that if any amount is deposited, then after completion of 05 years, the amount will be doubled. The complainant as well as other investors was cheated for around Rs. 01 crore, for which they issued property bond and agreement. The complainant has also invested Rs. 27,000/- in each of the two schemes and further in the year 2013, the complainant came to know that the chit fund company has been shut down. When the complainant contacted many officers of the company but they were not repaid to the complainant.
- Learned counsel for the applicant submits that the applicants are innocent and they have not committed any offence as alleged against them and he further submits that both the applicants are just employees of the Vinodini Project and at the time of incident the present applicants were not present in District- Korba and they do not receive any amount from the complainants. He next contended that the applicants are in jail since 28.05.2019 and 09.07.2019 respectively, therefore they may be granted bail.
- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
- Accordingly, the bail application is allowed.

- It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 1,00,000/- each, with one local surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.
- It is made clear that if the applicants have already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **in Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

Sd/-
(Rajani Dubey)
Judge