

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1530 of 2020**

- Maheshwar Sinha S/o Shri Pitamber Sinha Aged About 42 Years R/o Nahanda, P.S. Evari District Balod Chhattisgarh. Present Address Sunder Vihar Colony, Kurud P.S. Jamul District Durg Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The District Magistrate Durg Police Station Durg District Durg Surguja Chhattisgarh

---- Respondent

For Applicant : Shri A.N. Pandey, Advocate

For Respondent/State : Ms. Akanksha Jain, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****21/09/2020**

Heard.

1. This is the fourth 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.488/2016, registered at Police Station- Supela, District Durg (C.G.) for the offence punishable under Sections 420, 409, 120(B) / 34 of Indian Penal Code, under Section 3, 4, 5 & 6 of Enami Chit Aur Dhan Parichalan Adhiniyam and Section 10 of C.G. Ke Nikshepo Ke Hito Ka Sanrakshan Adhiniyam, 2005.
2. The first bail application bearing M.Cr.C. No.7169 of 2016 was dismissed on

merits on 22.03.2017. The second bail application bearing M.Cr.C. No.6850 of 2017 was dismissed on 28.11.2017 and lastly the third bail application bearing M.Cr.C. No.2007 of 2019 was dismissed on 22.04.2019.

3. As per the prosecution case, the applicant on behalf of BMA Wealth Creators Company took the franchise of the Company and the Company allured different persons and invited for investment with an allurement to double the same within a short span of time. When the amounts were deposited by various depositors, the present applicant used the same for his own and therefore failed to return the same on behalf of the Company and issued cheques which were bounced. It is alleged that the applicant projected himself to be part and parcel of the Company and received the amounts for his own use, thereby the fraud has been committed.
4. Learned counsel for the applicant submits that the applicant is in jail since 20.06.2016 and till date out of 35 witnesses only 7 witnesses have been examined and the trial is getting delayed, therefore, the applicant may be released on bail.
5. Learned State counsel, on instructions, would submit that only 7 witnesses have been examined till date.
6. Considering the pre-trial detention as only 7 witnesses have been examined and also taking into that the applicant is in jail since 20.06.2016, 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 till the disposal of the case.

Sd/-

Goutam Bhaduri
Judge

Ashu