

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.333 of 2020**

1. Pravit Saha S/o Late Shri Paresh Saha Aged About 30 Years R/o Flat No. 21, Building No. E-7, Chauhan Town, Chowki Jewra Sirsa, Police Station Pulgaon, Tahsil And District Durg Chhattisgarh.
2. Smt. Rita Saha Wd/o Late Paresh Saha Aged About 52 Years R/o Flat No. 21, Building No. E-7, Chauhan Town, Chowki Jewra Sirsa, Police Station Pulgaon, Tahsil And District Durg Chhattisgarh.

---- Petitioners**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Supela, District Durg Chhattisgarh.

--- Respondent

Shri T. K. Jha, counsel for applicants.
Shri Rahul Jha, Govt. Advocate for State.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****01/07/2020**

Heard.

2. At the outset, learned counsel for the applicants seeks to withdraw bail application of Smt. Rita Saha (applicant No.2) on the submission that on account of subsequent development, as Rita Saha has not been made accused, there is no apprehension of her arrest.
3. Accordingly, the bail application (MCRCA No.333 of 2020) on behalf of Smt. Rita Saha is dismissed as withdrawn.
4. The applicant No.1-Pravit Saha has preferred this bail application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.238/2018, registered at Police Station–Supela, Bhilai, District Durg for alleged commission of offence under Section-420 & 120-B of IPC.
5. Case of the prosecution and allegation against the present applicant is

that on the introduction of applicant-Pravit Saha, complainants-Usha Singh, Sudhir Bhandari, Goukaran and Yograj invested huge amount with the co-accused-Pradeep and Yogendra and the amount invested was swallowed up without giving any return. Allegation against the present applicant is that the present applicant introduced the complainant to the co-accused and in the agreement between the co-accused-Pradeep and Usha Singh, there was a clause that the money would be transferred in the account of applicant-Pravit Saha.

6. Learned counsel for the applicant submits that as far as Pravit Saha is concerned, only on the basis that he introduced the complainant to the accused-Pradeep, he is involved. It is submitted that in fact, Pravit invested huge amount of Rs.22 Lakhs with the co-accused-Pradeep, but Pradeep did not fully return the amount, he has only paid Rs.4 Lakhs. Referring to report dated 08-03-2018 of City Superintendent of Police, it is argued that even according to the report, entire cheating has been done by the co-accused Pradeep as he has cheated not only Usha Singh, but also the present applicant-Pravit Saha.

7. On the other hand, learned State counsel opposed the prayer for grant of bail by submitting that apart from specific term in the agreement executed between Usha Singh and Pradeep that the money paid by Usha Singh, would be transferred to the applicant and during investigation, the applicant-Pravit Saha himself filed an affidavit, in which, it was written that substantial amount of Rs.11 Lakhs was given to different persons-Usha Singh, Sudhir Bhandari, Goukaran and Yograj, by cheque , which shows prima facie involvement of the present applicant.

8. Taking into consideration the submission made by learned counsel for the parties, particularly taking into consideration the contents of the so-called agreement executed between Usha Singh and Pradeep and that the applicant has returned Rs.11 Lakhs to different depositors, in my considered opinion, it is not a fit case for grant of anticipatory bail to the applicant-Pravit Saha.

9. In the result, the bail application (MCRCA No.333 of 2020) on behalf of applicant-Pravit Saha is rejected.

10. However, considering that the co-accused Pradeep Jumba Shinde and Yogendra Kumar Sahu have been granted regular bail by this Court in M.Cr.C.No.1126 & 1425 of 2020, the applicant may apply for grant of regular bail before the Court below on the ground that his case is similarly situated to the case of afore-stated accused. In the event, the applicant moves regular bail application before the Court below, it is directed that the same shall be considered and decided as early as possible, not later than three days, if possible on the same date.

SD/-
(Manindra Mohan Shrivastava)
Judge