

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 810 of 2020

1. Hamid Memon S/o Late Haji Abu Bakar, Aged About 45 Years R/o Pachpedi Naka, Laxmi Nagar, District Raipur Chhattisgarh.
2. Smt. Fatima Bano Memon, W/o Mr. Hamid Memon, Aged About 42 Years R/o Pachpedi Naka, Laxmi Nagar, District Raipur Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Ambikapur, Surguja
(Ambikapur) Chhattisgarh.

---- Respondent

For Applicants	: Mr. Raza Ali, Advocate.
For Respondent/State	: Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

11/08/2020

1. The matter is heard through video conferencing.
2. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 366/2019, registered at Police Station Ambikapur, Surguja (Ambikapur) (C.G.) for the offence punishable under Sections 420, 34 of the IPC and Section 10 of Chhattisgarh Nikshepiko Ke Hito Ka Sanrakashan Adhiniyam Act, 2005.
3. In this case, complainant Prem Sagar Gupta has filed an application under Section 156(3) of Cr.P.C. before JMFC and as directed by learned JMFC FIR has been registered through concerned Police Station against the applicants and other co-accused persons. It has been alleged that the applicants and other co-accused persons allured the complainant and invested his money in one Anmol India Group Company and after maturity period, his money was not returned by the said Company. On the basis of said background, offence has been registered.
4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that there are total four Directors in the said

company namely Mohd. Javed, Mohd. Junaid, Mohd. Khalid and Nilofar Bano. The applicants herein were neither the directors nor the agents of Anmol India Group Company. In application under Section 156(3) of Cr.P.C. filed by the complainant, there is no specific allegations have been made against the applicants, all the allegations have been made against the directors and agents of said company. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. That, according to the provisions contained in Section 15 of Section 10 of the Chhattisgarh Nikshepiko Ke Hito Ka Sanrankashan Adhiniyam Act, 2005, application under Section 438 of Cr.P.C. is barred. But, this issue has already been decided by this Court vide order dated 19.09.2019, passed in MCRCA No. 1177/2019. Accordingly, this application is continuable.
8. After going through the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties, I do not found any material against the applicants, they were neither the directors nor the agents of Anmol India Group Company. There is no material available on record on the basis of which it can be said that the applicants have allured the complainant in any manner. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
9. Accordingly, the anticipatory bail application is allowed.
10. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants shall not, directly or indirectly, make

any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- III. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge