

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1175 of 2020

1. Shanijar Ram And Another S/o Langda Ram Aged About 47 Years Resident Of Village- Semardih, Police Station- Lundra, District- Surguja, Chhattisgarh
2. Dinesh Kumar Shah S/o Janardah Shah Aged About 42 Years Resident Of Village- Kundikala, Police Station- Lundra, District- Surguja, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Lundra, District- Surguja, Chhattisgarh

---- Respondent

For Applicant	Mr. Devershi Thakur, Advocate
For Respondent /State	Mr. Ravish Verma, Government Advocate
For Respondent/High Court	Mr. Mr. Ashish Shrivastava, High Court.

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

17/12/2020

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.42/2018, registered at Police Station Lundra, District Surguja (CG) for the offence punishable under Section 420, 34 of the IPC.

3. While working with Sai Prasad Insurance Company, the applicants have obtained deposit to the tune of Rs.2 lakhs from the complainant namely Teena Ram with promise to double the amount within short time.
4. It is argued that the applicants are the agents, therefore, in view of the circular dated 16.10.2019-Annexure A-3 issued by the STate Government and the memorandum dated 18.8.2020 (Annexure A-4) issued by the High Court of Chhattisgarh, the applicants are entitled to be released on anticipatory bail.
5. The complainant has named the present applicants as the persons who have received the amount on behalf of Sai Prasad Insurance Company. At a later point of time, the Company wound up its business and even the principle amount was not repaid to the complainant.
6. In so far as the circular issued by the State Government, it is for the Government to examine as to whether the applicants are entitled to the benefit of the said circular. Once the State Agency i.e. the concerned Police has registered an offence, which prima facie points out that the applicants are not entitled to the benefit of the Circular, whether the High Court can issue a memorandum for implementation of the Government Circular in respect of a pending case is left open to be decided in an appropriate matter on an appropriate occasion.
7. Suffice it would be to say at this stage that ordinarily, the High Court in its administrative side cannot interfere in judicial matters pending before the jurisdictional Criminal or Civil Court

more so, when the issue concerns any direction or circular issued by the State Government. Had it been any decision rendered by the High Court or the Supreme Court on judicial side, the matter would be different.

8. At this juncture, Mr. Ashish Shrivastava, learned counsel appearing for the High Court of Chhattisgarh, would show to this Court a subsequent memorandum dated 11.12.2020 wherein the words "necessary compliance" occurring in the previous circular dated 18.8.2020 Annexure A-4 have been deleted. The subsequent memorandum dated 11.12.2020 is taken on record.

9. Considering the nature of allegations, I am not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

10. Accordingly, the bail application is dismissed.

SD/-

(Prashant Kumar Mishra)
Judge

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