

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5865 of 2020**

- Chaitram Kenvat aged 50 years, S/o Shri Basant Kenvat, R/o Vill: Malhar, P.S.- Mastori, Distt:- Bilaspur (C.G.).

----Applicant**Versus**

- The State of Chhattisgarh, Through P. S. - Gandhi Nagar, Ambikapur, Distt.- Surguja (C.G.).

---- Respondent

For Applicant	:Shri J. K. Gupta, Advocate, & Ms. Sangeeta Soni, Advocate
For State	:Dr. (Ms.) Veena Nair, Dy. A. G.

and**MCRC No. 6870 of 2020**

1. Gopal Das Manikpuri S/o Nahettar (wrongly mentioned as Nahentatar in the order Sheet) Das Manikpuri, aged about 51 years, Occupation- Labour, R/o Village- Purani Basti, Kothari, Ward No. 4, Korba, Police Station and Tahsil- Korba, District- Korba (Chhattisgarh).

----Applicant**Versus**

- The State of Chhattisgarh, Through Station House Officer, Police Station- Gandhi Nagar, District- Surguja (C.G.).

---- Respondent

For Applicant	:Shri Dharmesh Shrivastava, Advocate
For State	:Dr. (Ms.) Veena Nair, Dy. A. G.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board**08/12/2020**

1. As both the applications filed under Section 439 of CR. P. C. arise out of the same Crime No. 140/2015 registered at Police Station Gandhi Nagar, District- Surguja (C.G.) Chhattisgarh for the offence punishable under Sections 420, 34 of Indian Penal Code, and Section 4 & 5 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978 and Section 10 & 11 of the Depositor's Interest Act, 2005, they are being disposed of by this common order.

2. Case of the prosecution, in brief is that the Collector and District Magistrate, Ambikapur, District- Surguja passed an order No. 5067/SW/2014 dated 14.07.2014 and in compliance of the order an enquiry committee was formed who conducted an enquiry against a non- banking company namely B. N. G. Gold Real and Allied Company Ltd and found that the company is involved in collecting crores of rupees from small investors like Scheduled Tribe persons on the assurance of high return/double amount of the deposited amount. It is also alleged that the aforesaid company has no license for this kind of non-banking work either issued by SEBI (Security and Exchange Board of India) or by Reserve Bank of India. On report being lodged to the above effect, offence under the aforesaid sections have been registered against the applicants.

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3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He submits that the present

applicant- Chaitram Kennvat is alleged to be an agent but has wrongly been shown as one of the member of the Board of Directors. He also submits that there has been absolutely no seizure of any kind of property related to the above said company from the present appellant. He further submits that no cheating or fraud as alleged has been committed by the applicant. The applicant is in jail since 17.07.2020, conclusion of the trial is likely to take some time and, therefore, the applicant be released on bail by imposing suitable conditions.

4. On the other hand, learned counsel for the State as well as the objector opposes the bail application.

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5. Learned counsel for the applicant submit that the applicant has been falsely implicated in this crime. He submits that the present applicant- Gopal Das Manikpuri aged about 51 years is alleged to be a member of the Board of Directors whereas he (applicant) has no knowledge about any kind of non-banking company or that his name is there in Board of Directors of the said company. He also submits that the present applicant belongs to labour category and is resident of Korba and has no nexus with such non-banking Company. He further submits that no cheating or fraud as alleged has been committed by the applicant. The applicant is in jail since 17.07.2020, conclusion of the trial is likely to take some time and, therefore, the applicant be released on bail by imposing suitable conditions.

6. On the other hand, learned counsel for the State as well as the objector opposes the bail application.

7. Looking to the facts & circumstances of the case and in particular

the fact that one applicant namely- Chaitram Kenvat himself lodge a complainant that he has been cheated by the company alongwith other people who also deposited the amount, the detention period of the applicants and the fact that conclusion of trial may take some time without further commenting on merits of the case, the applications are allowed. It is directed that in the event of applicants Namely-Chaitram Kenvat and Gopal Das Manikpuri executing a personal bond for a sum of Rs. 2,00,000/- each with two sureties of Rs. 1,00,000/-each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (i) They 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 from disclosing such fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) They shall not involve themselves in any offence of similar nature in future.

Chourdiya

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Sd/-
Gautam
Judge