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**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7443 of 2019**

- Rabiul Haque, S/o Masudal, aged about 35 years, Occupation – Agriculture, R/o village Aamakherwa, Police Station Manendragarh, District Koriya (C.G.)

**---- Applicant****Versus**

- State of Chhattisgarh Through : The Police Station, Jainagar, District Surajpur (C.G.)

**---- Respondent****And****MCRC No. 8125 of 2019**

- Shambhunath Pathak S/o Akhil Lal, aged about 46 years, by Caste – Bramhan, R/o village Mahabirpur, Near Anmol Super Bazar, P.S. Rajendra Nagar, District Raipur (C.G.)

**---- Applicant****Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station, Jainagar, District Surajpur (C.G.)

**---- Respondent****And****MCRC No. 8132 of 2019**

- Buddh Singh Rana S/o Lt. Lakkha Singh Rana, aged about 47 years, Occupation Agriculture, R/o Mahaveernagar, Raipur, Police Station & Tehsil Raipur, District Raipur (C.G.)

**---- Applicant****Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station, Jainagar, District Surajpur (C.G.)

**---- Respondent**


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| For Applicants | : | Shri Ashok Kumar Shukla, Advocate in MCRC No.7443/2019 and Shri Awadh Tripathi, Advocate in MCRC No.8125/2019 and 8132/2019 |
| For Respondent | : | Shri Anil Tripathi, P.L.                                                                                                    |

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**Hon'ble Smt Justice Rajani Dubey****Order on Board****14/01/2020**

1. Since the aforesaid bail applications arise out of the same crime number, they are being disposed of by this common order.
2. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.146/2017, registered at Police Station – Jainagar, District Surajpur, Ramanujganj (C.G.) for the offence punishable under Sections 420, 120-B IPC, Sections 4, 5, 6 of the Prize Cheats and Money Circulation Schemes (Banning) Act, 1978 (for short 'the Act, 1978) and Section 10 of the Chhattisgarh Protection of Depositors Interest Act, 2005 (for short 'the Act, 2005).
3. The prosecution story, in brief, is that on 23.02.2017, complainant Rajwanti Rajwade and others made a written report at police station alleging therein that they deposited the huge amount in the P.I.C.L. Multi State Credit Co-operative Society Limited, Manendragarh Branch, through the senior officers of the Company and when they asked for refund of money, the senior officers did not give satisfactory response. Based on this, offence has been registered. The applicant in MCRC No.7443/2019 has been taken into custody on 01.11.2019 and applicants in MCRC Nos.8125/2019 and 8132/2019 have been taken into custody on 05.10.2019.
4. Learned counsel for the applicants jointly and vehemently submit that the applicants are innocent and have been falsely implicated in the case. They further submit that the applicants have not misappropriated or embezzled the fund of the complainants, there is no seizure and as such no offence under Section 420 IPC is made out against the applicants. They also submit that the due date of the fund deposited by the complainants is not over yet and, therefore,

their money could not be refunded. Learned counsel also added that the company in which the complainants have invested money is a co-operative Society and the Co-operative Society is not included in the Act, 2005. Therefore, no offence under Section 10 of Act, 2005 is made out. That apart, the applicants are the Manager and Chairman of the Company and not the head of the Company, therefore, they have no knowledge about any amount whatsoever deposited with the company. Moreover, whatever amount had been collected by the present applicants, they have deposited the same in the account of the company. It is next submitted that the applicants are in custody since 01.11.2019 and 05.10.2019, except offence under Section 10 of Act, 2015 all the offences are triable by Magistrate and there is no likelihood of their cases being decided in near future. Therefore, they may be released on bail.

5. On the other hand, learned counsel for the State opposed the bail application. He submits that the applicants are Manager and Chairman of the Company and at their behest the amount has been deposited by the complainants. He also submits that earlier also the applicants had opened a Company, which was later shut down.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the applicant in MCRC No.7443/2019 is in custody since 05.10.2019 and applicants in MCRC No.8125/2019 and 8132/2019 are in custody since 05.10.2019, all the offences, except offence under Act, 2005, are triable by Magistrate and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.50,000/- -

Rs.50,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-

**(Rajani Dubey)**  
Judge

Pekde