

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1771 of 2020**

- Shashi Bhushan Mishra, S/o Late Bamdev Mishra, Aged About 60 Years Occupation - Purohit, R/o Village - Aamgaon, Tahsil - Tamnar, District - Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station - Chakradharnagar, District - Raigarh Chhattisgarh.

---- Respondent

MCRCA No. 6 of 2021

- Premlata Dansena W/o Uttam Prasad Dansena Aged About 40 Years R/o Baispali, Thana Kotra Road Raigarh Tahsil And District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chakradhar Nagar District Raigarh Chhattisgarh.

---- Respondent

For Applicant in MCRCA No.1771/2020:- Mr. Hari Agrawal, Adv
For Applicant in MCRCA No.6/2021 :- Mr. Sanjay Agrawal, Adv
For Respondent-State :- Mr. Ayaz Naved, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

04/03/2021

1. Since both the anticipatory bail applications are arising out of same crime number, they are being heard and decided by this common order.
2. The applicants have preferred these bail applications for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.372/2020 registered at Police Station Chakradhar Nagar, Distt. Raigarh for the offence punishable under Sections 06(05) and 10 of the Chhattisgarh Protection of Depositors Interest Act, 2005 and Sections 420, 467, 471, 409, 120(B) of the I.P.C.
3. Present applicants along with third accused Uttam Prasad Dansena have formed a company in the name of M.D. India Real Estate Pvt. Ltd in Raigarh and allured the complainant to invest in the company whereafter, complainant Sudama Nayak invested an amount of ₹ 15,04,000/- . At the time of making investment, the complainant was assured payment of hefty amount, as a maturity amount, at the end of the investment period. The investment was made in the year 2012, however, at the end of maturity period in the year 2018, neither the promised amount nor the original amount was refunded.
4. Learned counsel for the applicants would argue that the

entire amount invested by complainant Sudama Nayak has already been repaid to him as would be reflected in the order dated 8.2.2021 passed by this Court in MCRC No.41/2021 in the matter of **Uttam Prasad Dansena Vs. State of Chhattisgarh** wherein the said applicant (Uttam Prasad Dansena) was allowed regular bail.

5. In the above regular bail application the following has been observed by the Co-ordinate Bench in paragraph 5:-

“ Complainant Sudama Nayak is present before this Court along with his counsel Mr. Varun Sharma and Mrs. Kalyani Sharma counsel who appeared in lower on his behalf is also present in the Court. Complainant stated before this Court that he obtained Demand Draft of Rs.5,00,000/- and Rs.7,00,000/- in cash and received Rs.3,50,000/- prior to lodging of the FIR, therefore, no dispute remains with the present applicant. Complainant was identified by the counsel of the complainant along with Aadhar Card and PAN card.”

6. The present applicants were also part of the said company along with Uttam Prasad Dansena.
7. Learned State counsel would oppose the prayer for grant of bail.
8. Considering the fact that the entire amount has already been

repaid to the complainant, I am inclined to extend the benefit of anticipatory bail filed under Section 438 of Cr.P.C. to the present applicants.

9. Accordingly, both the anticipatory bail applications are allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on their executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- (i) they shall make themselves available for interrogation by a police officer as and when required;
- (ii) 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 facts to the Court or to any police officer;
- (iii) the applicants shall not influence the witnesses during pendency of the trial.

SD/-
(Prashant Kumar Mishra)
Judge

Ayushi