

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 40 of 2021**

1. Hamid Memon, aged about 45 years, S/o late Haji Abu Bakar.
2. Smt. Fatima Bano Memon, aged about 42 years, W/o Mr. Hamid Memon.

Both are resident of Pachpedi Naka, Laxmi Nagar, District Raipur (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh – Through : Police Station Ghumka, Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Mr. Raza Ali, Advocate.
For Respondent.	:	Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/06/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicants who are apprehending their arrest in connection with Crime Number 154/2019 registered at Police Station – Ghumka, Rajnandgaon (C.G.) for the offence punishable under Sections 420, 406, 467, 468, 471, 120-B, 384, 34 IPC, Sections 4, 5, 6 of Prize Chits and Money Circulation Schemes (Banning Act) and Section 10 of Chhattisgarh Protection of Depositors Interest Act, 2005.
2. The prosecution case, in brief, is that upon filing an application under Section 156 (3) Cr.P.C. by the complainant, the direction has been issued by the Special Court for registering an FIR against the main accused persons

including the present applicants. The fact of the case is that complainant Hemlata Sahu has invested an amount of Rs.2,21,000/- and after maturity period the money was not returned by the Company styled as "Anmol India Company".

3. Learned counsel for the applicants submits that similarly situated co-accused persons have already been granted anticipatory bail by this Court vide order dated 10.08.2020 passed in MCRC(A) No.1680/2019 and other connected matters, therefore, the present applicants may also be granted benefit of anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail.
5. Having considered the orders passed by this Court in MCRC(A) No.1680/2019 and other connected matters, and looking to the nature of allegation against the applicants, which is similar to that of the co-accused persons, this Court is inclined to released the applicants on anticipatory bail.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs.50,000/- - Rs.50,000/- each with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicants shall make themselves available for interrogation/medical examination before the concerned investigating officer as and when required;
 - (ii) that the applicants shall not, directly or indirectly, make

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

- (iii) that the applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-
(Rajani Dubey)
Judge