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HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 190 of 2021**

- Dhansai Baghel S/o late Kapurchand Baghel, aged about 49 years, Caste- Gada (SC), Occupation- Agriculturist, R/o Village-Puraina, Indira Atmanagar, Telibandha, Raipur, P.S.- Rajendra Nagar, Tahsil- Raipur Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: the Station House Officer, Police Station- Jainagar, Distt. Surajpur, Chhattisgarh

-----Respondent

For Applicant	: Mr. Pushkar Sinha, Advocate.
For Respondent- State	: Mr. Vimlesh Bajpai, Govt. Adv.

(proceedings through Video Conferencing)**Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****05/07/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.146/2017 registered at Police Station Jainagar, Surajpur, District Surajpur (C.G.) for the offence punishable under Section 420, 120(B) of IPC, Sections 4, 5, 6 of Prize Chits and Money Circulation Schemes (Banning) Act and Section 10 of Protection of Depositors Interest Act, 2005.
2. Case of the prosecution is that, one Rajwanti Rajwade lodged a complaint stating therein that one Ramkumar Rajwade approached her and informed about the scheme of PICL Multi State Credit Corporative Society Ltd. Based upon which, she deposited a total amount of Rs. 6,10,900/- in the Manedragarh branch of the Company. When after maturity, the amount deposited by her was not credited to her, she lodged a complaint to the concerned police station. Based upon which, instant crime was registered initially against Chairman of the Company, Shambunath Pathak and others.

During the course of investigation, on the basis of statement of Shanti Devi and Shakuntala Devi, present applicant has also been arrayed as accused.

3. Mr. Pushkar Sinha, learned counsel for the applicant submits that the applicant is having no role to play in the deposited amount by the complainant Rajwanti Rajwade. He submits that he is neither the Director of Company nor the employee. He further pointed out that there is no material against the present applicant to connect him in the instant crime, but for the oral statement of Shanti Devi and Shakuntala Devi, hence, he may be granted anticipatory bail.
4. Mr. Vimlesh Bajpai, learned Government Advocate for the State, while opposing the submission made by learned counsel for the applicant, submits that in the statement of Shanti Devi and Shakuntala Devi, it has come that the present applicant is Director of the Company, hence, he has been arrayed as one of the accused along with others. Upon putting specific query with regard to the documents seized by the prosecution, during the course of investigation, he submits that as per the documents seized by the police, Shambunath Pathak, Ravi-ul-haq and Buddh Singh Rana were the Directors of the Company. There is no mention of the name of present applicant as Director of the Company.

At this stage, Mr. Pushkar Sinha, learned counsel for the applicant submits that the Directors whose names were recorded on the papers of Company ie. Sambhunath Pathak, Ravi-ul-haq and Buddh Singh Rana were released on bail under Section 439 of CrPC by this Court.

5. I have heard learned counsel for the respective parties.
6. As per the allegation levelled by the complainant, it is Ramkumar Rajwade through whom Rajwanti Rajwade deposited the money in the company which she did not receive after the schedule time. There is no role of applicant as mentioned in the case diary of pursuing the complaint to

deposit the money in the account of Company. Even in the documents of the Company as seized by the police, there is no mention of the name of present applicant to be Director of the Company.

7. Taking into consideration the entirety of the facts and circumstances of the case, nature of allegation, without commenting anything on merits, I am inclined to grant anticipatory bail to the applicant.
8. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (146/2017), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs. 50,000/- with one surety in the like sum to the satisfaction of the concerned Investigation Officer. Applicant shall also abide by the following conditions:
 - (i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when required;
 - (ii) that the applicant 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/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge