

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4661 of 2021

1. Arun Patel S/o Girish Patel, Aged About 32 Years, R/o Village Tindoniya Thana Kurawar, District Rajgarh (M. P.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Bhatapara City, District Balodabazar (C.G.).

---- Non-Applicant

For Applicant : Mr. Vikash Pradhan, Advocate.

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

27/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 04/06/2021 in connection with Crime No. 215/2019 registered at Police Station Bhatapara City, District Balodabazar (C.G.) for the offence punishable under Sections 420, 34 of Indian Penal Code, Section 3, 4 & 5 of Prize Chits & Money Circulation Schemes (Banning) Act, 1978 and Section 10 of Chhattisgarh Protection of Depositors Act.
- 3) Case of the prosecution is that complaint was lodged on the basis of which FIR registered containing allegation that the present applicant and other co-accused person opened and operated as many as four companies in the name of JMR Real Com Company, Sai Sundaram Real Estate Ltd., RRR Sai Sundaram Real Estate Limited and Jai Shri Mangalam Producer Co. Ltd. As chit fund company between the period from 2013 to

2015 and collected huge amount by way of investment on giving false promises and inducement to the investors that they will be getting huge return on their investment. It is alleged that the applicant was one of the Director in these companies.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He was one of the directors in JMR Company. It is submitted that in other cases, he was not one of the Director. It is also argued that the investors have not made any specific allegation against the applicant. It is further submitted that the applicant has been arrested on 04.06.2021, investigation is complete, charge-sheet has been filed and trial is likely to take some time for its disposal. Learned counsel for the applicant further submits that the applicant, at this stage, may be granted bail imposing appropriate condition to ensure his presence in the Magisterial trial on the alleged commission of offence. It is also submitted that though the allegation of collection of money is said to be upto 2015, FIR has been lodged after four years in 2019. He submits that similarly situated co-accused Ramdayal @ Dayal Chouhan has already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 03/09/2020 in MCRC No. 4038/2020. Therefore, the applicant be released on bail.
- 5) On the other hand, learned counsel for the State opposes the prayer and submits that the allegations against the applicant and co-accused are serious in nature that they opened number of chit fund company from time to time and in the name of different chit fund company during the period from 2013 to 2015, approximately Rs. 1,39,15035/- was collected from different investors and thereafter, the company was closed and in this manner, all the investors have been cheated by the applicant and other director, employees, agent of four companies. It is submitted that as huge amount is involved, the application may be rejected.

- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the nature of allegation made against the present applicant, the involvement of the applicant is on the basis that he was Director in the Company which are alleged to have collected money under investment scheme which is said to have not returned with assured return to the investors and further taking into consideration that the investigation is complete, the detention period of the applicant who is 32 years old, charge sheet has already been filed, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that **co-accused** has already been released on bail by the Co-ordinate Bench of this Court, there is no substantial progress in the trial and conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - i. he 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. he shall not act in any manner which will be prejudicial to fair and expeditious trial,
 - iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
 - iv. he shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
 - v. he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant