NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 850 of 2021

Gopal Das Manikpuri S/o Shri Mehattar Manikpuri Aged About 52 Years Occupation- Labour, R/o Purani Basti- Kothari, Ward No. 04, Korba, District- Korba, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through- The Station House Officer, Police Station Patewa, District- Mahasamund, Chhattisgarh.

---- Non-applicant

For Applicant : Ms. Sangeeta Soni, Advocate

For Non-applicant/State : Mr. Vimlesh Bajpai, Govt. Advocate

(Proceedings through Video Conferencing)

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

16.08.2021

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No. 153 of 2018 registered at Police Station Patewa, District Mahasamund, C.G., for offence punishable under Sections 420, 34 of Indian Penal Code, Sections 3 & 4 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Sections 03, 04, 05 & 10 of Chhattisgarh Nikshepika Ke Hito Ka Sanrakshan Adhiniyam, 2005.

2. Case of the prosecution, in brief, is that, Chandra Shekhar Dewangan has lodged a written report against Sushil Kumar Aary mentioning therein that he approached the complainant and requested him to deposit the amount in B.N. Gold Real Estate and

Elite Limited Company. Upon persuasion made by co-accused Sushil Kumar Aary, complainant has deposited amount. The maturity date of return of amount has been mentioned as 30.06.2016. When after date of maturity, amount was not refunded by co-accused, report was lodged. On the basis of written report, Police investigated the complaint and seized the documents of registration of Company and articles of Association. In the articles of Association, name of seven persons have been mentioned as Directors of B.N. Gold Real Estate and Elite Limited Company including the name of present applicant. Based on seizure of documents along with others, present applicant is implicated in the instant crime.

3. Ms. Sangeeta Soni, learned counsel for the applicant would submit that applicant is a poor person and he has only attended meeting of the Company along with other co-accused persons. He has not signed any document as Director of the Company nor he has collected money from the depositors. She further pointed out that main accused Sushil Kumar Aary, against whom complaint was lodged, has been enlarged on anticipatory bail on 02.01.2019 in MCRCA No.1648 of 2018, hence, applicant may also be enlarged on anticipatory bail.

4. Per contra, Mr. Vimlesh Bajpai, G.A. for the State opposing the submissions made by learned counsel for the applicant, would submit that initially the allegation in written report was against Sushil Kumar Aary as co-accused Sushil Kumar Aary has convinced the complainant and collected money from him. When

complaint of Chandra Shekhar Dewangan was investigated by Police and collected documents of the Company, Police became aware of names of seven persons to be Directors of the Company, present applicant is one of the Directors, whose name has been mentioned at Sl No.5 in the Articles of Association. He further submits that case of co-accused Sushil Kumar Aary is on different footing as he has been show as Agent and not the Directors of the Company, hence, applicant cannot get any benefit based on the order of granting bail to co-accused Sushil Kumar Aary.

5. I have heard learned counsel for the parties.

6. Taking into consideration the nature of allegations, particularly the fact that Police seized documents of the Company, in which, name of present applicant has been shown to be one of the Directors of the Company and co-accused Sushil Kumar Aary who was enlarged on anticipatory bail has been shown to be Agent of the Company, I do not find it to be a fit case to enlarge the present applicant on anticipatory bail.

7. Accordingly, anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh