

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.5357 of 2021**

1. Neeta Shrivastava, W/o Amit Kumar Shrivastava Aged About 42 Years R/o Radhika Nagar, Maitri Vihar Bhilai, P.S. Supela District Durg Chhattisgarh.
2. Reebha Shrivastava, W/o Nitin Shrivastava Aged About 36 Years R/o House No. 06, Dinesh Housing Complex, Maitri Vihar (Wrongly Mentioned As Viha), Near Shiva Public School, Bhilai, P.S. Supela District Durg Chhattisgarh.
3. Smt. Pooja Tandon, W/o Devendra Singh Aged About 48 Years R/o Smriti Nagar Supela P.S. Supela District Durg Chhattisgarh. -----**Applicants**

Versus

State Of Chhattisgarh Through S.H.O. Bhatapara City District Baloda Bazaar, Bhatapara Chhattisgarh. ----- **Non-Applicant**

For Applicant:	Shri BP Singh, Advocate.
For Non-Applicant/State:	Shri Anand Verma, Dy. Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

20.09.2021

1. The Applicants have preferred this application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.29/2016 registered at Police Station Bhatapara City, District Baloda Bazar, C.G. for the offence punishable under Sections 420, 409 and 120-B/34 IPC, under Sections 3,4,5 and 6 of the Prize Chits Money Circulation Banning Act, 2004 and under Section 45 of the Reserve Bank Act.

2. Case of the prosecution is that a Chit Fund Company namely Yashraj Dream Real Estate Limited has committed a fraud by shutting down the said Company suddenly after having collected a total amount of Rs.2 crores from 1169 various investors.

3. Learned Counsel for the Applicants submits that the Applicants have been falsely implicated in the crime in question for which, they are in jail since 29.11.2016 and that there is no incriminating material against them, which may hold them guilty for the commission of offence punishable under

sections 420, 409 and 120-B/34 IPC, under Sections 3,4,5 and 6 of the Prize Chits Money Circulation Banning Act, 2004 and under Section 45 of the Reserve Bank Act. He further submits that the co-accused has already been granted bail by the co-ordinate Bench vide order dated 08.05.2019 passed in M.Cr.C No.8886/2018 and therefore, the present Applicants may also be released on bail.

4. On the other hand, learned State Counsel opposed the bail application.

5. I have heard learned Counsel for both the parties and perused the case diary.

6. Considering the facts and circumstances of the case, the nature of allegation against the present Applicants, the fact that they are in jail since 29.11.2016, the trial is not concluded till now and further considering the fact that the co-accused has already been granted bail by the co-ordinate Bench vide order dated 08.05.2019 passed in M.Cr.C No.8886/2018 and there is no likelihood of the Applicants' tampering with the evidence or absconding as admitted by both the counsel and the trial may take some time due to Covid-19 Pandemic, without commenting anything on merits of the case, I am inclined to allow this application.

7. Accordingly, the instant M.Cr.C is allowed and it is directed that in the event of the Applicants' executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- i. 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 them from disclosing such fact to the Court,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.

v. they shall not involve themselves 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 Applicants' involving themselves in any offence in future.

Sd/-

Gautam Chourdiya
JUDGE

Priya