

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5247 of 2021**

- Anil Soni S/o Rajkumar Soni Aged About 31 Years Occupation Private Job, R/o Mohalla Darripara, Police Station And Tehsil Bhaiyathan District Surajpur Chhattisgarh Haal Mukaam Mission Chowk Kedarpur Thana And Tehsil Ambikapur District Surguja Chhattisgarh ---- **Applicant**

Versus

- State Of Chhattisgarh Through The District Magistrate Surguja, Ambikapur District Surguja Chhattisgarh ---- **Respondent**

For Applicant : Shri Asseem Gopal, Advocate
For Respondent/State : Shri DP Singh, Dy AG

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**25.10.2021**

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No. 95 of 2020 registered at Police Station- Chowki Manipur, Ambikapur District- Surguja, Chhattisgarh for the offence punishable under Section 420 of IPC.
2. Case of the prosecution, in brief, is that co-accused Jyotish Nishad contacted members of women self help group and convinced them to make investment with him in different schemes like Mushroom, Silk business etc., from which they can earn good profit. Based on convincing effort of Jyotish Nishad, complainant and other women of self help group have obtained loan from Axis Bank, HDFC Bank and deposited loan amount with Jyotish Nishad. After some time, part of amount deposited by them was returned back, but major portion of it has not been given to them. Thereafter, they lodged report on 09.02.2020, based upon which FIR was registered initially against Jyotish Nishad and during the course of investigation, on his memorandum statement, present applicant was also implicated in the crime as accused person.

3. Shri Asseem Gopal, learned counsel for the applicant submits that In FIR, applicant has not been named, he has not interacted with women of self help group, complainant or any other women or convinced them to invest in schemes as alleged in FIR. He further submits that there is no allegation against applicant that any of the women in self help group has deposited amount with applicant directly. Applicant has been implicated in crime, only on the basis of memorandum statement of co-accused Jyotish Nishad. Police has completed investigation and submitted charge-sheet, case is triable by Judicial Magistrate 1st Class, its conclusion may take some time. Hence, applicant may be enlarged on regular bail.

4. Shri DP Singh, learned State counsel opposing the submissions of learned counsel for the applicant, would submit that huge amount has been collected from poor women of self help group and other co-accused persons but returned only small part of that amount to them. He submits that Police collected bank statements of applicant and other co-accused persons, which shows that different amounts have been deposited by the applicant in his bank account after collecting from complainant and others. Deposit of amount in bank account of applicant *prima facie* shows involvement of applicant in commission of crime. However, he does not dispute submission of counsel for applicant that applicant has not been named in FIR, but name of co-accused Jyotish Nishad is mentioned. Upon putting specific query with regard to number of witnesses enlisted in charge-sheet, he submits that there are as many as 42 witnesses in charge-sheet.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegations levelled against applicant, fact that applicant has not been named in FIR, as per allegation, applicant has not interacted with complainant or any other women of self help group, investigation has been concluded by Police, charge-sheet is filed on 23.01.2021, offence is triable by Judicial Magistrate 1st Class, which may take some time, without commenting anything on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE