

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 5369 of 2021**

1. Neeta Shrivastava W/o Amit Kumar Shrivastava aged about 42 Years R/o Radhika Nagar, Maitri Vihar Bhilai, Police Station 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, Police Station Supela, District Durg, Chhattisgarh.
3. Smt. Pooja Tandon W/o Devendra Singh aged about 48 Years R/o Smriti Nagar Supela, Police Station Supela, District Durg, Chhattisgarh.

-----Applicants**VERSUS**

- State of Chhattisgarh through: SHO, P.S. Simga, District Balodabazar-Bhatapara, Chhattisgarh.

-----Non-applicant

For Applicants : Mr. B.P. Singh, Advocate
 For Non-applicant/State : Mr. Alok Nigam, Govt. Adv.

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****13/12/2021**

1. Applicants have filed this application under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No. 71/2018 registered at Police Station Simga, District Baloda Bazar (C.G.) for the offence punishable under Sections 420, 409, 120B r/w 34 of IPC and Sections 4, 5, 6 of the Price Chits Money Circulation Banning Act, 2004.
2. Case of prosecution is, that applicants have created a company in the name and style of Yash Dream Real Estate Limited and by defrauding peoples have accumulated huge amount of Rs. 125 Crores by giving false assurance of better return and also doubling money of invested amount within short period. Residents of Chhattisgarh state along with complainant have deposited the

amount with the company created by applicants. When the deposits attained maturity, company has not returned amount as assured. In the instant case Ravi Ratre lodged report to the concerned police station, based on the report, aforementioned crime was registered against applicants and others.

3. Mr. B.P. Singh, learned counsel for applicants would submit that for the same allegations other depositors have also lodged report in different police stations ie. police station Supela, district Durg, crime number registered as 596/2015 and one another FIR was registered at police station Bhatapara, Balodabazar, crime number as 29/2016. He submits that applicants in the aforementioned crime have been enlarged on bail *vide* order dated 12.04.2021, 17.05.2021, 15.06.2021 and 20.09.2021. He also pointed out that applicants have also placed on record copy of order sheets of trial Court bearing criminal case no. 389/2021 wherein till 16.09.2021 charges have not been framed. Offences alleged against applicants are triable by Magistrate and trial may take some time. Applicants are in jail since 30.11.2019 in this case, hence, they may be enlarged on regular bail.
4. Mr. Alok Nigam, learned State counsel, while opposing the submissions of learned counsel for the applicants, would submit that applicants by giving false assurance cheated local residents of State of Chhattisgarh and have collected huge amount of Rs. 125 Cr. They have not refunded any amount to any of the investor, hence, they are not entitled for grant of bail. However, upon putting specific question with regard to grant of bail to applicant(s) in other two criminal cases, upon going through the copy of documents available on record by learned counsel for applicants, learned State counsel submits that there are orders granting bail in crime numbers 596/2015 & 29/2016.
5. I have heard learned counsel for the respective parties.

6. Taking into consideration, nature of allegation, facts and circumstances of the case, orders passed by co-ordinate Bench of this Court enlarging applicants therein on regular bail in other crime numbers for commission of offence against other depositors by the company created by applicants, applicants being women, in custody since 30.11.2019 and further that offence to be triable by Magistrate, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the Court on the conditions that-
- a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicants are found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge