

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 914 of 2021**

Narendra Babu Komarya S/o Late Shri Puranlal Komarya Aged About 52 Years Caste Mahar (Scheduled Tribe) Occupation Agriculturist, R/o Village Hadgahan , Police Station Suregoan, Tehsil Dondilohara, District Balod Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through the Station House Officer, Police Station Jainagar, District Surajpur Chhattisgarh.

----- Non-applicant

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

(proceedings through Video Conferencing)**Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****11.08.2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.146/2017 registered at Police Station Jainagar, District Surajpur for the offence punishable under Sections 420, 120(B) of IPC, Sections 4, 5, 6 of Prize Chit and Money Circulation Schemes (Banning) Act 1978, and Section 10 of Chhattisgarh Protection of Depositors Interest Act, 2005.
2. Case of the prosecution is that, one Rajwanti Rajwade lodged a complaint stating therein that one Ramkumar Rajwade approached her and informed about the scheme of PICL Multi State Credit Corporative Society Ltd. Based upon which, she deposited a total amount of Rs. 6,10,900/- in the Manedragarh branch of the Company. When after maturity, the amount deposited by her was not credited to

her account, she lodged a complaint to the concerned police station. Based upon which, instant crime was registered initially against Chairman of the Company, Shambunath Pathak and others. During the course of Trial, on the basis of statement of Shanti Devi and Shakuntala Devi, present applicant is also arrayed as accused.

3. Mr. Anuroop Panda, learned counsel for the applicant would submit that the applicant is having no role to play in the deposited amount by the complainant Rajwanti Rajwade. He submits that as per complaint itself, it is clear that she has made deposit through Ramkumar Rajwade. It is further pointed out that applicant is neither the Director nor the employee of PICL Multi State Credit Corporative Society Ltd. The complaint was lodged on 24.02.2017, based upon which, First Information Report was registered on 29.05.2017. After due investigation on the complaint, charge-sheet has been filed only against three persons, by name, Shambhunath Pathak, Budhsingh Rana and Ravi-UI-Haq. After recording of some evidence, present applicant has been implicated in instant crime. It is further contended that similarly situated co-accused, by name, Dhansai Baghel has been enlarged on anticipatory bail in MCRCA No.190 of 2021 vide order dated 05.07.2021, hence, applicant may be granted anticipatory bail.
4. Mr. Vimlesh Bajpai, learned Government Advocate for the State, while opposing the submission made by learned counsel for the applicant, submits that amount of Rs.6,10,900/- was deposited by the complainant, which was not returned to her as per scheme proposed to her by Ramkumar Rajwade. However, upon putting specific query with regard to filing of charge-sheet against three persons only, he

submits that after investigation of aforementioned crime, charge-sheet has been filed against three persons as stated by learned counsel for the applicant and name of present applicant has been arrayed in the crime after recording evidence of some witnesses. He further admits that in the First Information Report, there is allegation of deposit of amount through Ramkumar Rajwade.

5. I have heard learned counsel for the respective parties.
6. Taking into consideration the entirety of the facts and circumstances of the case, nature of allegations, particularly, the fact that after due investigation, Police filed charge-sheet against three persons, by name, Shambhunath Pathak, Budhsingh Rana and Ravi-UI-Haq and similarly situated co-accused, by name, Dhansai Baghel has been enlarged on anticipatory bail in MCRCA No.190 of 2021 vide order dated 05.07.2021, without commenting anything on merits, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like sum to the satisfaction of the concerned Investigation Officer. Applicant shall also abide by the following conditions:

(i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when required;

(ii) that the applicant 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/her from disclosing such facts to the Court or to any police officer;

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh