

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5838 of 2021

1. Punendra Dewangan, S/o Shambhu Charan Dewangan, Aged About 46 Years,
2. Smt. Seema Dewangan W/o Punendra Dewangan, Aged About 40 Years,

Both are R/o Rampur, PO- Kargi, Police Station Kasdol, District - Balodabazar-Bhathapara, Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh, Through- The Station House Officer, Police Station- Gandhi Nagar, District : Surguja, Chhattisgarh.

---- Non-Applicant

For Applicants : Shri Jitendra Shrivastava, Advocate

For Non-Applicant/State : Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

02.09.2021

Heard.

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 23.06.2021 in connection with Crime No. 232/2019 registered at Police Station- Gandhi Nagar, District-Surguja (C.G.) for the offence punishable under Sections 420/34 of IPC, Sections 3, 4 of the Prize Chits and Money Circulation Schemes (Banning) Act and Section 10 of the Chhattisgarh Protection of Depositors Interest Act.
- 2) Case of the prosecution, in brief, is that complainant Shiyaram Ekka lodged a report before Police Station Gandhinagar on 15.10.2019 to the effect that in the year 2014-15 the applicants

alongwith other co-accused was running Shubh Sai Dikon Indian Limited Company at Ambikapur. The applicants alongwith other co-accused persons committed fraud with many persons by making them deposit money with the said company. On the allurement of getting double return the complainant deposited Rs. 13,000/- and the applicants insisted him to become an agent of the same company and add more members to it on the allurement of double return. However, no such return was given to the investors and the accused persons having closed their office fled away. On report being lodged to the above effect, offence under the aforesaid Sections have been registered against the applicants.

- 3) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that no fraud and cheating has been committed by the applicants. The co-accused persons namely Omprakash Dheever & Dharendra Kumar Dewangan have already been grant bail by this Court as well as by the Co-ordinate Bench of this Court vide order dated 17.03.2021 in MCRC No. 9123/2020 and 29.07.2021 in MCRC No. 4115 of 2021. Charge-sheet has already been filed, incident took place in the year of 2014-15 whereas FIR was lodged in the year of 2019, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, the applicants are in jail since 23.06.2021 and trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-applicant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, nature of allegation made against the present applicants, charge-sheet has already been filed, the co-accused persons have already been granted bail by this Court as well as by the Co-ordinate Bench of this Court, incident took place in the year 2014-15 but FIR was

lodged in the year 2019, the detention period of the applicants, who are 40 & 46 years old and there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.

6) It is directed that in the event of each 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:-

- (a) 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 him from disclosing such fact to the Court,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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 similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge