

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 967 of 2021

1. Dr. Vijay Kumar Sahu (As Per First Information Report), S/o Late Pyari Ram Sahu, Aged About 49 Years, R/o Thakurpara, Infront of Shitla Mandir, Ramdarbar, Kota Raipur, Tahsil and District -Raipur, Chhattisgarh.
2. Netram Thakur S/o Late Niharu Ram Thakur,, Aged About 36 Years, R/o. Qt. No. 03/20, Ganpati Vihar Colony, Changorabhata, Raipur, District -Raipur, (Chhattisgarh).

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station -Sihava, District -Dhamtari, Chhattisgarh.

--- Respondent

For Applicants	: Mr. P.K. Patel, Advocate.
For Respondent-State	: Mr. B.P. Banjgare, Advocate.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

18/08/2021

Heard.

1. Applicants have filed this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.106/2021 registered at Police Station –Sihava, Distt -Dhamtari, (CG), for the offence punishable under Sections 420, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that applicants alongwith co-accused Suresh Sinha visited village of complainant and projected that one R.B.M Company is selling ozonizer machine which purifies polluted water, air and vegetables, cost of machine is of Rs.80,000/- but under offer the Company is providing it at the rate of Rs.7,000/- only. It was also stated to complainant and other villagers that if they make two more consumers/customers then Company will pay Rs.2,000/- per month for a period of 24 months to the promoter. Complainant has given cash of Rs.7,000/- to applicants. Thereafter, those three persons again visited the village of complainant and introduced them with one new scheme that if

they would make deposit of Rs.5 lac then they will be paid Rs.45,000/- to 50,000/- per month. Upon relying their words, complainant has deposited amount of Rs.2,94,000/- in bank account No.34300200000478 in name of one Ghanshyam Yadav. Similarly other persons also deposited amount, total of deposited amount was Rs.7,80,000/-. As assured by applicants amount was not deposited in account of complainant and other villagers. Therefore, complainant asked applicants that why amount is not deposited then they have stated that, as Ghanshyam Yadav is behind bar amount is not deposited. Thereafter, report was lodged, based upon which, FIR was registered against applicants.

3. Learned counsel for the applicants submits that applicants have not committed any offence as alleged against them. They are also victim as they have also invested amount in the said Company. Applicants have only projected the scheme as floated by Ralif Foods Private Vibhuti Khand of Lucknow. Hence, applicant may be enlarged on anticipatory bail.
4. Learned State Counsel opposes the submission made by learned counsel for applicants and submits that there are prima facie allegation against applicants that they visited village of complainant on Car of Tahsil Nagari Sihava and projected the scheme to complainant and other villagers. Complainant has paid amount of Rs.7,000/- in cash to them thereafter, amount of Rs.2,000/- was deposited in his account to attract him. Thereafter, further scheme of higher amount was shown to complainant and other villagers. Poor persons have deposited huge amount on coming into the trap of applicants. But the amount as per assurance given by applicants have not been returned. Applicants are resident of Raipur but for introducing scheme they have visited interior

tribal area of Nagiya Sihava which itself shows intention of applicants.

Hence, they are not entitled for grant of anticipatory bail.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, material available in case diary, I do not find it a fit case to enlarge applicants on anticipatory bail.
7. Accordingly, anticipatory bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-