

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 1145 of 2021

Gita Singh D/o Late Dukhharan Singh, Aged About 35 Years, R/o Vikas Nagar, Kusmunda, P.S. Kusmunda, District- Korba, (C.G.).

----Applicant

Versus

State of Chhattisgarh Through- S.H.O., Police Station Surajpur, District- Surajpur, (C.G.).

--- Respondent

For Applicant	: Mr. Anshul Tiwari, Advocate.
For State	: Mr. Vimlesh Bajpai, GA.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

21/09/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.300/2019 registered at Police Station – Surajpur, District -Surajpur, (CG), for the offence punishable under Sections 420 read with Section 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that applicant is Additional Director of Binodini Projects Limited Chit Fund Company. She along-with Shantanu Ghatak Chief Executive Officer, Directors Dhiren Swain and Hiten Swain went to village of Surajpur District and persuaded the villagers for depositing their money in Company on the pretext that Company will double the amount within a period of 5 years. Upon which, complainant and others have deposited amount in the company. Total amount of Rs.9,56,000/- stated to be deposited by complainant and other villagers. But after period of 5 years, neither principal amount nor maturity amount ie double amount of deposit was returned to complainant and others. Written report was lodged based upon which, FIR was registered against applicant and 3 others namely Shantanu Ghatak, Dhiren Swain and Hiten

Swain.

3. Learned counsel for the applicant submits that from the documents placed on record as Annexure A-2 ie Articles of Association, it is apparent that applicant is not a Director of the Company. There are three Directors of Company namely Dhiren Swain, Ku.Sangeeta Swain and Hiten Swain. There are seven share holders in which also name of applicant is not mentioned. Applicant is one of employee appointed by Directors of Company to run the office situated at Sharda Vihar, Korba. As per allegation, the Company is running business from the office of Korba. He further submits that other investors have lodged report to the Police Station -Kotwali, Distt Korba, upon which, crime bearing registration No.419/18 was registered against applicant and others and they were arrested. Applicant was arrested on 03.09.21 and thereafter, released on bail on 12.09.2021. Other co-accused persons ie Directors of the company were released on regular bail by the High Court in MCRCA No.1243 & 3136 of 2020. In pursuance to the arrest in connection with crime No.419/18 no further custodial interrogation is required. Applicant is a lady, hence, she may be enlarged on anticipatory bail.
4. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that specific allegations have been leveled against applicant and others that they have persuaded the villagers of District Surajpur for depositing their amount stating that amount deposited by them will be double in 5 years but neither the amount with interest nor principal amount has been returned to the investors. Hence, applicant is not entitled for grant of anticipatory bail. However, on putting a specific query with regard to running of office at Surajpur also, he submits that there is no mention that Company is

running separate office at Surajpur, but in Chhattisgarh Company is running the office at Korba. However, based on information received by PS -Kotwali, Korba vide letter dated 30.07.21, he do not dispute the submissions made by learned counsel for applicant that applicant was earlier arrested on 03.09.21 by PS -Kotwali, Korba in connection with Crime No.419/18 and thereafter released on regular bail on 12.09.2021. As per documents obtained from office of Registrar of Company name of applicant has been shown to be Additional Director of Company. Hence, submissions of learned counsel for the applicant that applicant is employee of Company is incorrect.

5. Heard learned counsel for the parties and perused the case diary.
6. Considering the entire facts and circumstances of the case, nature of allegation levelled against applicant, the fact that on similar allegations levelled against the applicant and others of persuading the persons for depositing their money in Binodini Projects Limited, after the deposit has not been returned, the applicant was arrested, office of the Company is only in Korba (State of Chhattisgarh) as stated by counsel for the parties, records of deposit of amount and other documents available in office might have been seized by Police Station of Kotwali, Korba during the course of investigation in crime No.419/2018, offence registered is only under Section 420 & 34 of IPC, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, she shall be released on bail by the officer arresting her on executing a personal bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The

applicant shall also abide by the following conditions :

- (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-