

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7418 of 2021**

Rajendra Singh Sisodiya S/o Shri Ram Singh Sisodiya, Aged About 45 Years, R/o Jamoniya Shankar Elogh, Ratlam (M.P.).

---- Applicant**Versus**

State of Chhattisgarh Through The P.S. Civil Lines, District Raipur Chhattisgarh.

---- Non-applicant

For Applicant : Mr. N. Naha Roy, Advocate

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

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****30.11.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 24.02.2021 in connection with Crime No.429 of 2019 registered at Police Station Civil Lines, District Raipur (C.G.) for commission of offence punishable under Sections 420, 34 of the Indian Penal Code, 1860, Section 10 of the Protection of Investors Act, 2005 and Sections 3 and 4 of the CG Prize Chits and Money Circulation Schemes (Banning) Act, 1978.
2. Case of the prosecution, in brief, is that applicant has been shown to be one of the Directors of Arogya Developers Company (for short 'the Company'), which collected huge amount from local innocent persons. The investors have been persuaded by the agents and other employees of company for return of invested

amount with tripling the amount. When amount deposited by investors matured, company has not returned back the amount with assured interest, but closed their offices established in various district places. In the instant crime, one Smt. Nem Bai Nishad lodged a report to concerned Police Station stating therein that she has been cheated by company in not returning the amount of Rs.6,01,150/- as assured by company. Based upon report, crime was registered against the applicant and other Directors of the company.

3. Mr. N. Naha Roy, learned counsel for the applicant would submit that applicant was working with company as an employee. He was not aware that other Directors who established the company have included name of applicant as one of the Directors in record. Applicant after getting the knowledge of fraud played with him, filed a complaint case before the Court of jurisdictional Magistrate, on which Magistrate took cognizance and issued process to non-applicants therein. He pointed out that against the company, other investors have also lodged complaint at different Police Stations and applicant was arrested in crime No.23 of 2016 on 11.01.2017 by Police Station Ganj, Raipur and since then, applicant is in jail. Applicant thereby completed more than four years of his pretrial detention. Applicant has been granted benefit of Section 439 of Cr.P.C. in two other crime numbers registered at Police Station Kotwali, Dhamtari and Police Station, Rajnandgaon, copy of which is placed on record as part of Annexure A/6. It is also argued that other co-accused Dharmendra Singh Songara who is also one of

the Directors has been enlarged on regular bail in MCRC Nos.1875 of 2020 and 7437 of 2019 vide order dated 10.06.2020 and 13.01.2020, respectively, hence, applicant may be enlarged on regular bail.

4. Mr. Vimlesh Bajpai, Govt. Advocate, opposing the submissions made by learned counsel for the applicant, would submit that applicant is a Director of the company, who collected amount of Rs.4 Crores from local residents of different places of Chhattisgarh. In the documents collected by Police during the course of investigation, name of applicant also appears as one of the Directors with profit sharing of 5%. Applicant in this case was arrested only on 24.02.2021 through production warrant. He further submits that looking to value of money collected by company, applicant is not entitled for the benefit under Section 439 of Cr.P.C.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, different crime numbers have been registered at different Police Stations against the company alleging similar allegations of collecting money from investors and not making repayment to them with assured return and applicant is in jail since 11.01.2017 as stated by learned State counsel based on the case diary, co-accused Dharmendra Singh Songara has been enlarged on regular bail in MCRC Nos.1875 of 2020 and 7437 of 2019 vide order dated 10.06.2020 and 13.01.2020,

respectively, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.

7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that :

a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.

b) He shall not, in any manner, tamper with the prosecution witnesses.

c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge