

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9450 of 2020**

- Yashwant Sonkar, S/o Jeevanlal Sonkar, Aged About 45 Years, R/o Village Koliyari, Durga Chwk, Thana Arjuni, Tahsil & District- Dhamtari Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kotwali, Dhamtari, Revenue & Civil District Dhamtari Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sachin Singh Rajput along with, Mr. Shrikant Mishra, Advs.
For Respondent/State	: Mr. Samir Uraon, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.03.2021**

1. The accused/applicant has moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 126/2019 registered at Police Station- Kotwali, Dhamtari (C.G.) for the offence punishable under Section 420/34 of IPC and Section 4,5,6 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978 and Section 6,10 of Chhattisgarh Protection of Depositors Interest Act, 2005.
2. Earlier, the first bail application of the applicant was dismissed as withdrawn vide order dated 11.08.2020 passed in MCRC No. 4686/2020 by this Court.
3. The prosecution story, in brief is that, it has been alleged

that the directors and branch manager and cashier of Mahanandi Advisory Services Private Limited Company committed fraud of Rs. 1,47,41,897/- of making public money in a short time by operating the company's branch office in front of the efficient complex Bhathena Hospital Dhamtari from 2010 to 2016. Based on this offence has been registered against the applicant and he has been taken into custody on 02.03.2020.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that charge-sheet has been filed but till today charges are not framed against the applicant. It is clear from order-sheet of trial Court that at the time of incident, applicant was not the director of the company he was working as manager. One of the co-accused Chitrasen Sahu has filed an application under Section 319 of Cr.P.C. to implicate Mordhwaj Kumbhakar as accused in the case. The state has also filed reply of that application and in his reply it is clear that complainant was also a share-holder of the company and one of the beneficiary. He next added that applicant is in jail since 02.03.2020 and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail. He has placed reliance in the case of **State of Kerala Vs. Raneef** judgment passed by the Supreme Court **reported in (2011) 1 SCC 784**.
5. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant actively participated in this offence and the offence committed by him is of serious in nature, therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused

the record.

7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that trial is still in primary stage. The applicant is in jail since 02.03.2020, the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 2,00,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi