

(2019) 08 CHH CK 0067

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 4741 Of 2019

Viplaw Kumar

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Aug. 9, 2019

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 420
- Inami Chit Aur Dhan Parichalan Scheme (Pabandi) Adhiniyam, 1978 - Section 3, 4, 5
- Reserve Bank Of India Act, 1934 - Section 10, 58F

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Arvind Dubey, Sudeep Verma

Final Decision: Allowed

Judgement

Goutam Bhaduri, J

1. Heard.

2. This is the Third Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been

arrested on 30.11.2015 in connection with Crime No.150/2015 registered at Police Station Dallirajhara, Distt. Balod (CG) for the offence punishable

under Section 420/34 IPC, Sections 3, 4, 5 of Inami Chit Aur Dhan Parichalan Scheme (Pabandi) Adhiniyam, 1978 and Section 58-F & 10 of R.B.I.

Act.

3. The first bail application bearing M.Cr.C. No.1970 of 2016 was dismissed on 19.07.2016 and the second bail application bearing M.Cr.C. No.1588

of 2017 was dismissed as withdrawn on 30.03.2017.

4. Case of the prosecution, in brief, is that one company Everlight Realcon Infrastructure Limited Company had opened an office at Balod and

Dallirajhara, where from the company assured the different persons to deposit money with an assurance to double the same within a short period of time. Consequently, when the money was deposited, all of a sudden the company was closed and the money of the people were not returned. The said circulation and collection of the money was without any permission of R.B.I. or SEBI. Thereby the offence has been committed.

5. Learned counsel for the applicant submits that the applicant is languished in jail since 2015 and in other case actually he was arrested in 2015 at

Jharkhand, wherein he has been released as also in a case which is pending at Kohima, Nagaland. He would further submit that out of 9 witnesses 7 witnesses have been examined and the applicant is in jail since 30.11.2015 i.e. for about 4 years, therefore, the applicant may be released on bail.

6. Per contra, learned State counsel opposes the prayer for grant of bail.

7. Perused the documents. Considering the fact that the applicant has been released on bail by the Jharkahand High Court and Judicial Magistrate

First Class, Kohima, Nagaland and also taking the fact that the primary witnesses have been examined and the applicant is in jail since 30.11.2015, I am inclined to release the applicant on bail.

8. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one 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 by the said Court.