

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 591 of 2020**

- Rabiul Haque S/o Masudal, Aged About 35 Years Occupation Agriculture, R/o Ward No. 16, Aamalkherwa, Police Station And Tahsil Manendragarh, District Koriya, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Police Station Manendragarh, District Koriya, Chhattisgarh.

---- Respondent**MCRC No. 677 of 2020**

1. Shambhunath Pathak S/o A. L. Pathak Aged About 46 Years R/o Mahaveer Nagar, Anmol Super Market Raipur, Police Station - New Rajendra Nagar, District Raipur Chhattisgarh, (Wrongly Mentioned As Village - Anmol Super Market In The Order Sheet).
2. Buddh Singh Rana S/o Lakha Singh Rana Aged About 48 Years R/o Mahaveer Nagar Anmol Super Market Raipur, Police Station New Rajendra Nagar, District Raipur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Manendragarh, District Koriya, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Ashok Kumar Shukla, Adv. in MCRC No. 591/2020. Ms. Indira Tripathi, Adv. in MCRC No. 677/2020
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/03/2020**

1. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved these first bail applications under Section 439 of Criminal Procedure Code

for releasing them on regular bail during trial in connection with Crime No. 192/2019 registered at Police Station Manendragarh, District-Koria (C.G.) for the offence punishable under Sections 420, 34 of IPC and 4, 5 of Prize Chits and Money Circulation Scheme (Prohibition) Act.

3. The prosecution story, in brief is that, complainant Brajram Sahu lodged a written complaint that the directors and employees of PICL Multi State Credit Co-operative Society Ltd. have enticed the complainant to deposit Rs. 4,50,000/- with the society, thereafter, the accused persons have closed the Branch Office and ran away. After investigation it has been found that in the year 2015 the branch manager and the director of the said society had organized seminar at Manendragarh, whereby, they have enticed the complainant and others to deposit their money with the society in lieu of the High Interest Returns and Double the principle amount. Thereafter, the complainant and others have deposited Lakhs of Rupees in the branch office of the Society. In the year 2017 when the complainant was in dire need of money, he contacted the accused persons and branch office of PICL Society for releasing the amount deposited by the complainant, then the other co-accused persons had assured the complainant that his deposited amount would be released within a period of 6 months but the same was not complied, even after several time demands were made by the complainant but his deposited amount was not released. In December 2017 the branch office of the said Society was closed and the office bearers and employees of the said society were nowhere to be found. Based on this offence has been registered against the present applicants.
4. Learned counsels for the applicants submit that the applicants are innocent and have been falsely implicated in the case. They further submit that the applicants have not misappropriated or embezzled the fund of the complainant, there is no seizure and as such no offence under Section 420 IPC, the complainant has invested money in a co-operative society and the co-operative Society is not included in the

Act, 2005 is made out. The apart, the applicants are the Branch Manager and employees of the company and not the head of the company, therefore, they have no knowledge about any amount whatsoever deposited with the company. Moreover, whatever amount had been collected by the present applicants, they have deposited the same in the account of the company. They next submit that the applicant in MCRC No. 591/2020 is in jail since 25.11.2019 and the applicants in MCRC No. 677/2020 are in jail since 19.11.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

5. On the other hand, counsel for the State opposes the bail applications and submits that the applicants are branch manager and employees of the company and at their behest the amount has been deposited by the complainants.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the applicant in MCRC No. 591/2020 is in jail since 25.11.2019 and the applicants in MCRC No. 677/2020 are in jail since 19.11.2019, and 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 applicants on bail. Accordingly, the applications are allowed.
8. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

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