

# The High Court Of Madhya Pradesh

MCRC-16740-2020

(VISHNU PRASAD SONI Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 31-07-2020

## Heard through Video Conferencing.

Shri S.K. Shrivastava, learned counsel for the applicant.

Shri Puneet Shrotri, learned PL for the respondent / State.

Heard with the aid of case diary.

This is fourth application of the applicant **Vishnu Prasad Soni** filed under Section 439 of the Cr.P.C. for grant of bail in connection with Crime No.99/2016 registered at Police Station Kotwali, District Anuppur for the offence punishable under Sections 420, 467, 468, 471, 120-B of the IPC and Section 6 of the Madhya Pradesh Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam, 2000.

The first bail application of the applicant was rejected on merit by this Court vide order dated 16/1/2019 in M.Cr.C.No.34773/2018, the second bail application of the applicant was rejected on merits by this Court vide order dated 18.03.2019 passed in M.Cr.C.No.7475/2019 and the third bail application of the applicant was dismissed as withdrawn by this Court vide order dated 14.08.2019 passed in M.Cr.C. No.24056/2019.

As per the prosecution case Police registered Crime No.99/2016 at Police Station Kotwali, District Anuppur for the offence punishable under Sections 420, 467, 468, 471, 120-B of the IPC and Section 6 of the Madhya Pradesh Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam, 2000 against the Manager, agent and other officials of the B.N.G. Global Company. The general allegations against applicant Vishnu Prasad Soni and co-accused persons of the case are that they had collected money from innocent persons assuring them to double their money within six years. However, they did not pay the money even after the maturity periods. On the other hand, they closed down the company Office, thus they cheated the innocent people. The specific allegation against the applicant is that he was the Manager of the

aforesaid Company and he also opened an Office of the Company at Anuppur after taking house on rent and in connivance with other co-accused collected a sum of Rs.2,13,94,760/- from innocent persons cajoling them into buying the products of the companies to get high returns.

Learned counsel for the applicant submits that applicant has not committed any offence and has falsely been implicated in the offence. He further submitted that applicant was the Manager of said company. Applicant has already deposited all the amount received by them from the investors, in the account of the company and gave certificates to the concerned persons issued by the company. There is no evidence on record to show that applicant received money from any person. He further submitted that statement of 18 witnesses have been recorded by the trial Court and nothing has come out against the applicant in their statement. The applicant is in custody since 12.08.2018. The charge-sheet has been filed and conclusion of trial is likely to take long time, hence prayed for release of the applicant on bail.

Learned counsel for the State opposed the prayer and submitted that the applicant and all the other accused persons played fraud upon innocent investors and deprived them of their hard earned money. Applicant allured to provide good returns on the deposits, took Rs.2,13,94,760/- from innocent people. Sufficient evidence is available on record to connect the applicant with the offence in question, so he should not be released on bail.

Although the statement of 18 witnesses have been recorded by the trial Court but statements of other material witnesses have to be recorded. Even Ajay Tiwari (PW-1) clearly deposed in his statement that applicant was involved in the crime.

Earlier the bail application of the applicant was rejected on merit by this Court vide order dated 16/1/2019 in M.Cr.C.No.34773/2018, the second bail application of the applicant was rejected on merits by this Court vide order dated 18.03.2019 passed in M.Cr.C.No.7475/2019 and the third bail

application of the applicant was dismissed as withdrawn by this Court vide order dated 14.08.2019 passed in M.Cr.C. No.24056/2019 and thereafter, there has been no change in the circumstances, except the custody period.

Hon'ble Apex Court in the case of **Rajesh Ranjan Yadav alias Pappu Yadav v. CBI Through its Director, (2007) 1 SCC 70** held that bail, can not be granted solely on the ground of long incarnation in jail and inability of accused to conduct the defence.

In the report of investigating officer, it is mentioned that the applicant who is the Manager of the B.N.G. Global Company in connivance with other co-accused assured the innocent people that on their investing the amount in the Company on completion of the period of six years, they will return back double the amount invested by the investors. Applicant along with other co-accused persons took Rs.2,13,94,760/- from the innocent people and thereafter close down the office of the company and embezzled the amount received from the innocent people.

So, looking to the facts and circumstances of the case and the allegation levelled against the applicant, this Court is not inclined to grant bail to the applicant.

Accordingly, M.Cr.C. is rejected.

**(RAJEEV KUMAR DUBEY)**  
**JUDGE**

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