



2025:CGHC:28860

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
MCRC No. 1396 of 2025

Order reserved on 20.06.2025

Order delivered on 30.06.2025

Devkumar Kurre S/o Aliram Kurre Aged About 24 Years (Wrongly Mentioned As Alisay) R/o- Village - Kedarpur, Post Police Station - Premnagar, District - Surajpur (C.G.) Present Add. Village- Chind Dand, Police Station Baikunthpur District - Koriya (C.G.)

... Applicant

versus

State of Chhattisgarh Through S.H.O, Police Station - Manendragarh (Wrongly Mentioned As Jhagrakhand), District - Manendragarh-Chirmiri-Bharatpur (C.G.)

...Respondent

(Cause title taken from Case Information System)

For Applicant	:	Mr. Gyan Prakash Shukla, Advocate
For Non-Applicant/ State	:	Mr. Kishan Lal Sahu, Dy. Govt. Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

CAV Order

1. This is the first bail application filed under Section 483 of Bhartiya Nagarik Suraksha Sanhita 2023 for grant of regular bail to the applicant who has been arrested on 29.11.2024 in connection with Crime No. 247/2023 registered at Police Station- Manendragarh, District Manendragarh-Chirimiri Bharatpur (C.G.) for the offence punishable under Sections 420, read with Section 34 of the IPC, 66 (D) of the I.T.Act and Section 4 and 5

of Price Chits and Money Circulation Schemes (Banning) Act, 1978.

2. Case of the prosecution, in brief, is that a written complaint was made by complainant Asha Devi in police Station Manendragarh alleging that she met the applicant in December 2022 wherein he informed her that he is an employee of Spandana Sphoorty Finance Company and there is a Ten Billion company in which on depositing of Rs. 10,000/-, the company returns three times more amount with profit by returning three thousands every month continuously for ten months from the second month after depositing of the amount. It is also alleged that the applicant met other women who are in contact with her namely Saroj, Babita Devi, Nilima, Kalpana Vishvakarma, Munnibai, Sudha Vishvakarma, Nirujaha, Firtim bai, Hirabai, Sangita Gupta, Jamuna, Parvati, Rukmani, Janki, Rajkumari, Asha, Santosh Das, Meena, Jaya Vishvakarma, Sunita and informed them about the company whereas the complainant told the applicant that they have no money to invest in the company. The applicant said that he will arrange loan for all of you from his company. It is also case of the prosecution that the applicant has induced the complainants to take loan from his company of Rs. 44,000/- for depositing the money with Ten Billion Company and the company after deducting Rs. 2,000/- as insurance amount from all the accounts holders provided Rs. 42,000/- in the bank account of the victims as loan and thereafter the complainants and other investors have invested their money in the said company. It is also alleged that on 27.12.2022 her familiar Atish Behara gave Rs.10,000/- to the applicant for investment and Rs. 13,000/-, Rs. 7,000/- and Rs. 30,000/- have also been invested by the other victims at the

instance of the applicant. It is also alleged that on the assurance of the applicant, the complainant invested the money in the said company, however, the amount was not returned to them. When the complainant tried to contact the applicant, mobile phone of applicant and co-accused were switched off. Thereafter, this fact came to knowledge of the victims that the applicant induced and cheated them. Based on the report, aforementioned crime was registered and during the investigation, applicant was arrested on 29.11.2024.

3. During pendency of bail application, State has constituted Special Investigation Team (SIT) on 09.05.2025, statements of complainants were recorded under Section 161 CrPC wherein it was found that around 50 complainants were cheated by the applicant and co-accused. During investigation, statement of Shrawan Kumar Agrawal was recorded wherein he has stated that around Rs. 5,35,000/- was invested by him in the company but no refund of amount has been received by him, thus he has been cheated by the applicant. The other investors have also stated that as to how the applicant and other co-accused have cheated them and took out their hard earned huge amount on the allurements for providing higher return of amount on the invested money.
4. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. He would further submit that the applicant is an agent of Tem Billion Company and his role is confined to acting as an agent in the alleged company. He would further submit that the applicant has collected the money from the depositors and deposited the same in the alleged

company which shows that the applicant was working as an agent and he was not having any dominating position in the company, therefore, his only role to collect money and deposit the same in the company as an agent. He would further submit that neither the applicant has defrauded any person nor he cheated any amount from the victims. Moreover, he has deposited the entire amount in the account of the company and he has not played active role directly or indirectly in the alleged crime. To substantiate his submission, he has annexed the copy of the statements of depositing the amounts in the account of the Director via Phone pay and Google pay vide **Annexure A/2**. He would further submit that the prosecution has not seized any incriminating article from the applicant and amount was not transferred in the account of the applicant. He would further submit that the applicant is in jail since 29.11.2024, the charge sheet has already been filed, no custodial interrogation is required in this case and offence is tribal by Judicial Magistrate First Class. therefore, he prays for enlarging the applicant on regular bail.

5. On the other hand, learned State Counsel appearing for the respondent/State opposes the bail application and would submit that during investigation applicant was found to be involved in the commission of crime and he was arrested. He would further submit that from the document available with the case diary, prima-facie, involvement of the applicant is reflected. He would further submit that the applicant is involved in cheating of resident of Manendragarh, Ledri, Jhagrakhan, Katotiya and Nagpur and have cheated them to invest money around 20 lakhs out of which he has transferred only Rs. 9-10 lakhs in the account

of Santosh Porte through mobile and Rs. 1 lakh through mobile phone to Kamlesh Mourya. He would further submit that the applicant took out Rs 20 lakhs from the investor out of which Rs. 7-8 lakhs was used for himself, thus it cannot be said the applicant is an agent and his involvement is similar to the other co-accused. He would further submit that the offence committed by the applicant is not only against the society but against the Nation also as the offence committed by the applicant hampered the economy badly and would pray for dismissal of the bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.
7. From perusal of case diary, it is quite vivid that large number of innocent investors have already invested their hard-earned money in the company on the allurements given by the applicant where he assured the investors to give higher return of money but neither the amount invested in the company nor profit as assured was returned to the complainant/investors. Further taking into account the allegations levelled against the applicant that he has committed breach of trust and disregarded the interest of the poor villagers, who have invested their money for earning higher return on the invested money but they did not return the same to the investors. From perusal of the diary, it is also quite vivid, that around 50 to 100 investors have invested their hard earned huge amount in the company which was siphoned off by the applicant along with co-accused which is required to be traced out by the prosecution, as such custodial interrogation of the applicant is required in this case, therefore, at this

stage the bail application of the applicant is liable to be rejected and accordingly it is rejected.

Sd/-

(Narendra Kumar Vyas)
Judge

Santosh