
(2019) 02 CHH CK 0381

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 9024 Of 2018

Kanhaiya Lal Ojha

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 21-02-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 120B, 406, 409, 420

Chhattisgarh Nishchhepko Ke Hito Ka Sanrakshan Adhiniyam, 2005 — Section 10

Citation : (2019) 02 CHH CK 0381

Hon'ble Judges : Goutam Bhaduri, J

Bench : Single Bench

Advocate : Awadh Tripathi, Ghanshyam Patel

Final Decision : Allowed

Judgement

Goutam Bhaduri, J

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been

arrested in connection with Crime No.164/2016 registered at Police Station Mohan Nagar Durg, District Durg (CG) for the offence punishable under

Sections 420, 406, 409, 120B, 34 IPC and Section 10 of the C.G. Nishchhepko ke hito ka Sanrakshan Adhiniyam, 2005.

2. The First bail application bearing M.Cr.C. No.3492 of 2018 was dismissed on 03.08.2018.

3. As per the prosecution case, the applicant who is one of the Directors of the Company namely Susk India Company Limited in connivance with

other Directors and persons have collected huge amounts from different persons in the name of the Company which was spread all through at Raipur,

Durg and other places with an assurance to return the same with high rate of interest. Eventually, the office of the Company was closed and all the

depositors suffered and as per the prosecution the said collection and circulation of money was made without permission of the RBI or SEBI.

4. Learned counsel for the applicant submits that the applicant was not the Director and is initially in jail since 29.08.2017 and in this case he was

shown to be arrested on 23.01.2018. He further submits that the other similarly placed co-accused namely Lalit Pal has been enlarged on bail vide

M.Cr.C. No.3905 of 2018 and out of 110 witnesses only few of the witnesses have been examined and the trial may take time, therefore, the

applicant may be released on bail.

5. Learned State counsel is not able to dispute the fact that the co-accused as also this applicant have been enlarged on bail by the co-ordinate Bench

in other crime number.

6. Considering the facts of this case and also taking into the detention of the applicant and also that the other similarly co-accused person has been

enlarged on bail and the present applicant is also enlarged on bail in other crime by the co-ordinate Bench, I am inclined to release the applicant on

bail.

7. 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.