



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 10079 of 2022**

- Shubhyan Banerjee S/o Siddharth Banerjee Aged About 37 Years R/o A.D. 01, 45 Teerth Bhawan Ravindra Palli, Thana, Baguihati, Dist. 24 Pargana (West Bengal)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Raigarh, Teh. And Distt. Raigarh (C.G.)

---- Non-applicant

MCRC No. 10129 of 2022

- Shubhyan Banerjee S/o Sidhharth Banerjee Aged About 37 Years R/o A.D.- 01, 45 Teerth Bhawan Ravindra Palli, Thana- Baguihati, District- 24 Pargana, West Bengal

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- City Kotwali, Raigarh, Tehsil And District- Raigarh, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sanjay Agrawal, Advocate.

For Non-applicant/State : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board****27-03-2023**

1. As both these bail applications have been filed by same applicant in connection with two crime numbers registered against him at one police station, therefore, these applications are being decided by this common order.

2. Both these first bail applications have been filed under Section 439 Cr.P.C. for grant of regular bail by the applicant as he has been arrested in connection with Crime No.43/2016 and Crime No.209/2016 registered at Police Station City Kotwali, Raigarh, Tahsil and District Raigarh, (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B, 409 of the IPC, Section 4, 5, 6 of Chit Funds Act and Section 6(5) and 10 of C.G. Protection of Depositors Interest Act,



2005.

3. As per the prosecution story, a finance company, namely, Pratistha Infrakon India Ltd. was established without taking permission from the RBI and SEBI and the applicant along with other co-accused persons collected amount of Rs.2,45,000/- (in Crime No.43/2016) and Rs. 2,66,000/- (in Crime No.209/2016) from different depositors on allurement of higher rate of interest and on the assurance of doubling the amount under the scheme, Collective Investment Scheme, which has not been returned to the concerned depositors.

4. Learned counsel for the applicant would submit that the applicant has falsely been implicated in both these cases. The applicant is one of the directors of the company. One of the directors, namely, Ramgopal has already been granted bail by this Court vide order dated 12-05-2020 in MCRC No.1318/2020 and order dated 20-01-2020 in MCRC No.7659/2019 in both the crime numbers. The applicant is in jail since 15-06-2022 and the charge sheets have been filed. Thus, he would pray for grant of bail to the applicant in both these cases.

5. On the other hand, learned State counsel would oppose the bail applications.

6. I have heard learned counsel for the parties and perused the case diaries of both the crime numbers.

7. Considering the fact that similarly placed co-accused, namely, Ramgopal, has already been granted bail by this Court vide order dated 12-05-2020 in MCRC No.1318/2020 and order dated 20-01-2020 in MCRC No.7659/2019 in both the crime numbers and further taking into consideration the pre-trial detention period and that the charge sheets have been filed in both the cases, therefore, without commenting anything on merits of the case, I am inclined to allow both these bail applications.

8. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C.



by the applicant for grant of regular bail are allowed.

9. It is directed that in the event of the applicant executing in each of these cases a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court, the applicant shall be released on bail, on following conditions :-

(i) that, he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,

(ii) that, he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(iii) that, he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,

(iv) that, he shall not involve himself in any offence of similar nature in future.

10. The observation made in the course of this order is only for considering the case of applicant on the application for grant of regular bail. The concerned trial Court shall not be influenced or bound by the observation made hereinabove.

Sd/-

(Rakesh Mohan Pandey)
Judge



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1397 of 2023

- Shubhyan Banerjee S/o. Siddharth Banerjee Aged About 37 Years R/o. A.D. 01, 45 Teerth Bhawan Ravindra Palli, Thana, Baguihati, Dist. 24 Pargana (West Bengal).

---- Applicant/Petitioner

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Raigarh, Tehsil and District Raigarh Chhattisgarh.

----Respondent

For Applicant/petitioner – Mr. Sanjay Agrawal, Advocate.

For State/Respondent– Ms. Astha Shukla, Govt. Advocate.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

04-07-2023

1. Learned counsel for the applicant submits that applicant/accused was arrested by Police Station Chakradharnagar, District Raigarh (C.G.) whereas, due to inadvertence he mentioned in the application moved under Section 439 of the Cr.P.C. Police Station City Kotwali, Raigarh, therefore, he prays to correct police station from City Kotwali, Raigarh to Chakradharnagar, Raigarh.

2. It appears that it is a human error which has been committed by the learned counsel for the applicant, which can be rectified.

3. Ms. Astha Shukla, learned counsel for the State would also submit that the applicant due to mistake mentioned incorrect police station in his bail application, whereas, the correct police station is Chakradharnagar, District Raigarh.

4. Considering the fact that the applicant/accused cannot be penalized on account of mistake committed by his counsel, therefore, this petition is allowed and the police station is modified from City



Kotwali, Raigarh to Police Station Chakradharnagar, Raigarh. This order shall be part of order dated 27.03.2023 passed in MCRC No.10079 of 2022.

Sd/-
(**Rakesh Mohan Pandey**)
Judge

Aadil

