

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.735 of 2015**

Jageshwar Prasad Sahu S/o Late Ratan Lal Sahu Aged About 45 Years R/o
Kirit, P.S. Navagarh, Civil And Revenue District Janjgir-Champa, Chhattisgarh

---- **Petitioner****Versus**

State Of Chhattisgarh Through: Police Station Champa, District Janjgir-
Champa, Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri Manoj Paranjpe, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Order On Board**14/08/2015**

The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.189/2015, registered at Police Station–Champa, District Janjgir-Champa for alleged commission of offence under Sections 420/34 of IPC.

2. Case of the prosecution is that the applicant gave a fraudulent representation of handsome return of three times of investment in 6 1/2 years along with gifts every year, induced by which, the complainant-Shamim Khan invested total of Rs.92,000/-. It is alleged that later on, the applicant refused to give back the amount nor gifts on yearly basis were given.

3. Learned counsel for the applicant submitted that the complainant has lodged a false report. He himself is an agent of the Company and involved in collecting investment from other investors. The applicant is one of the agent of the company and the scheme floated by the company was well known to the complainant. It is submitted that the original bonds, which were issued by the company, were recovered from the possession of the complainant. As the complainant was indulged in unwarranted activities and had destroyed furnitures and other items in the office of the company, the dispute arose and the report was given in the police station against the

complainant and in this background, the complainant has made false allegations against the applicant.

4. On the other hand, learned State counsel opposed the prayer for grant of bail by submitting that the allegation of the complainant is that the amount, which was collected by the applicant from the complainant, was not invested by the company anywhere and thus, fraud has been practiced.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that the complainant himself is an agent of the company and original bond papers of investment issued by the company were recovered by the police from the possession of the complainant during investigation, which also included documents relating to investment along with blank applications and further considering that period of the bond has not expired, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

(I) he shall make himself available for interrogation by a police officer as and when required;

(ii) 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 facts to the Court or to any police officer, *and*

(iii) he shall cooperate with the investigation as and when he is called.

Sd/-
Manindra Mohan Shrivastava
Judge