

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5329 of 2015

Pradeep Chouhan S/o Devraj Chouhan Aged About 29 Years Caste
- Chouhan, R/o Shashtri Colony, B-Block Bhind (Madhya Pradesh)
At Present Shanti Nagar, Champa - P.S. & Tehsil - Champa, District
Janjgir Champa Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For applicant - Shri Anup Majumdar, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.
For objector – Shri V.R. Tiwari, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/11/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 189/2015 registered in Police Station Champa District Janjgir Champa (C.G.) for offence punishable under section 420, 34 of IPC.
2. As per the prosecution case, applicant who was working in Vinaik Homes & Real State Company allured customers that on depositing some amount, same shall be returned with double the amount and in the instant case one Shamim Khan made a report that on investment being made of Rs.1 lakh in Real State Company namely Vinaik Homes & Real State Company he will be returned with Rs. 6 lakhs within period of three years.

3. Learned counsel for the applicant submits that applicant is an employee and agent of the company and therefore he was working according to the instruction imparted by the director. He submits that applicant was appointed on 28/06/2013 and virtually was working as agent and collected and deposited the money. He submits that company has returned partial amount deposited to the father of the complainant, however maturity amount could not be paid as amount in turn was invested in Real State. He further submits that applicant being employee has no role over the same. He further submits that in the similar footing one of the person namely Jageshwar Prasad Sahu was granted anticipatory bail by the coordinate bench of this court in M.C.R.C. (A) No.735/2015 on 14/08/2015. It is further contended that according to the scheme, company which was flouted, applicant only as an employee was working for it and the complainant had invested in full conscious the amount. Therefore, considering the fact, status of the applicant, he being employee, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Having regard to the fact considering the appointment letter the applicant was appointed as Branch Manager of Vinaik Homes & Real State Company and also the fact that one of the agent of the company who also collected amount has been enlarged on anticipatory bail by this court, taking into account predominantly status of the applicant and he is in jail since 4/09/2015 and all the evidence are in documentary nature, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of

Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE