

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 6382 of 2015**

1. Rajendra Kumar Thawait, S/o. Late Parmanand Thawait, aged about 42 years, Caste-Barai, Occupation : Agriculturist, R/o. Village Khokhra, Police Station & Tahsil Janjgir, District : Janjgir-Champa (C.G.)

----Applicant

**Versus**

1. State Of Chhattisgarh, Through : Station House Officer, Police Station, Sakti, District – Janjgir-Champa (C.G.)

---- Respondent

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For Applicant : Mr. Gurudev I. Sharan, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**11/12/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.230/2015, registered at Police Station – Sakti, District – Janjgir-Champa (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant approached to the different depositors and stated that if they deposit the amount in Kolkata Ware Industries Limited then they would get back good amount in return and if the company is closed, the amount would be paid by him. Consequently, different depositors had deposited the amount at Kolkata Ware Industries Limited. Subsequently neither amount was returned nor any interest was paid. Consequently, the report was made. It is contended that the applicant, Rajendra Kumar Thawait was working on behalf of Kolkata Ware Industries Limited and projected himself as an agent.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the applicant was employed in the company as an agent on the basis of commission and amount so collected was deposited with the company and it was not held by the applicant, who is the local resident of village – Janjgi. He would further submit that even in order to secure, the applicant has entered into an agreement, whereby he promised to sale the land and promised to return the amount to the depositors. It is contended that the main offence has been committed by Kolkata Ware Industries Limited and its directors and the applicant is only employee of the company. He would further submit that the applicant is in jail since 18.10.2015, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have perused the statement of one of the witness Vijendra Rathore, wherein it is stated that the applicant who projected himself as an agent persuaded them to deposit the amount in company, consequently the amount was deposited. Case diary also contains the agreement, wherein the applicant has entered into an agreement to sale his land and deposit the amount of the depositors and depositors in turn has stated that if the amount is recovered from company, they will return the amount to the Rajendra Kumar Thawait. Taking into such facts, the role played by this applicant prima-facie it appears that he was only working as agent of the company, who was local resident,

and the fact that charge sheet in this case has been filed and the applicant is in jail since 18.10.2015, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge