

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6400 of 2015

Brijmohan Bareth S/o Vishram Prasad Aged About 40 Years R/o
Kamrid, Police Station And Post Saragaon, Civil And Rev. Distt.
Janjgir Champa Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Champa, District
Janjgir Champa Chhattisgarh.

---- Respondent

For applicant - Shri Manoj Paranjpe, Advocate.
For Respondent/State – Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

8/12/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 246/2015 registered in Police Station Champa, District Janjgir-Champa (C.G.) for offence punishable under section 420 read with Section 34 of Indian Penal Code.
2. As per the prosecution case the applicant was working as agent of Sai Prasad Properties Private Company, Champa and he received certain amounts from different customers with a assurance that on amount being deposited with the company, it will be doubled within specific period of six years and interest would be paid. Thereafter, applicant collected amount from the different depositors and deposited it with the company and in lieu thereof bonds were issued and certain interest were paid. However, after expiry of six years double amount was not paid. Consequently, a report was made and on investigation being made, charge sheet has been filed.
3. Learned counsel for the applicant submits that this applicant was working in the company as an agent and after collection of the amount it

was deposited with the company and it was not kept with him in his private account and the applicant being local person was employed by the company and his services were availed on getting commission the deposits were made. Consequently, it is stated that applicant cannot be placed at par with the cheating committed by the company and virtually applicant has been deceived. Therefore, he submits that applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and would submit that applicant being local person collected amount and deposited it with the company, thereby he has also committed the offence.

5. Having regard to the facts of the case and the role played by the applicant that he collected the amount and deposited the same with the company, therefore the degree of duty discharged appears to be different to that of the company and its directors. Considering the role of the applicant that he was working as an agent/employee of the company for commission, taking into account that charge sheet has been filed and the applicant is in jail since 17/08/2015, 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