

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4947 of 2015

Gangaram Sinha, S/o Faguram Sinha, aged about 45 years, R/o Village Hetarkasa, Post Hotkarra, P.S. Korar, Revenue and Civil District North Bastar Kanker (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Police Station Korar, District North Bastar Kanker (C.G.)

---- Non-applicant

For Applicant:	Mr. P.K. Tulsyan, Advocate.
For Non-applicant:	Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/10/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.35/2015, registered at Police Station Korar, Distt. North Bastar Kanker, for the offence punishable under Sections 420, 120B of the IPC, 3, 4, 5 and 6 of the Chit Fund Act, 1982.
2. Case of the prosecution, in brief, is that the applicant has committed cheating and fraud of Rs.1,35,000/- by not depositing the amount to the company which he has received from the complainant(s).
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. Entire amount has been deposited with M/s. HBN Company Ltd., of which the applicant was agent and the complainants have admittedly received dividend for 2-3 months which clearly shows the bona fide act on the part of the

applicant. The applicant has not cheated the complainants and he is in jail since 30-6-2015. Charge-sheet has been filed and the offence is triable by the Magistrate First Class.

4. On the other hand, learned State counsel opposes the application and submits that the applicant has accepted huge amount of Rs.1,35,000/- from various complainants in the name of M/s. HBN Company Ltd., but did not return the same and thereby he has committed the offence, and as such, he is not entitled for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant, the fact that the complainants received dividend for 2-3 months, pretrial detention of the applicant and charge-sheet has been filed, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge