

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1821 of 2016

- Shyamlal Hirwani S/o Maganram Hirwani Aged About 49 Years R/o - Village - Telawat, Post - Dhaneli Kanhar, Police Station - Korar, District - Kanker Chhattisgarh

--- Petitioner

Versus

- State of Chhattisgarh through the Station House Officer, Police Station - City Kotwali, Distt. - Dhamtari Chhattisgarh

---- Respondent

For the applicant	:	Mr. Shivendu Pandya, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.04.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.258/2015 registered at P.S. City Kotwali, District Dhamtari (C.G) for the offence punishable under Section 420, 409/34 of IPC. The first bail application was dismissed on merits on 02.11.2015.
2. The prosecution case, in brief, is that M/s. Sanjeevani Produces Company Ltd., has raised huge public money without prior permission of Reserve Bank of India (RBI) and Securities and Exchange Board of India (SEBI with an assurance to double the amount and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant is only an agent and he himself has been deceived. It is further submitted that the applicant is in jail since 21.09.2015 and the charge sheet has been filed. It is also

submitted that similarly placed co-accused Ashok Patel has been enlarged on bail by the coordinate Bench of this Court in M.Cr.C.No.695 of 2016 vide order dated 28.03.2016, therefore, the present applicant may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that the role of this applicant was an agent of the company and similarly placed co-accused Ashok Patel has been enlarged on bail.
5. Taking into consideration the totality of the circumstances and on perusal of the documents, statements and looking to the fact that the applicant was merely an agent and he has not played role of the Director of the Company as also the fact that the co-accused Ashok Patel has been enlarged on bail by the co-ordinate Bench of this Court; the charge sheet in this case has been filed and further looking to the pre-trial detention of the applicant, I am inclined to release him on bail. Accordingly, this application is allowed.
6. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He is directed to appear before the trial Court as and when directed by the said Court.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE