

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2746 of 2016

Chhote Lal Dhiwar, S/o. Manharan Dhiwar, Aged About 43 Years, R/o. Village Piharid, P.S. Malkharoda, District Janjgir-Champa, Chhattisgarh

--- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Sakti, Distt. Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Mr. Arvind Singh, Advocate
For the Respondent : Mr. Anil S. Padey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No. 203/2014 registered at Police Station- Sakti, District Janjgir-Champa (C.G) for the offence punishable under Section 420/34 of Indian Penal Code and under Section 3, 4, 5 of the Chit Funds Act.
2. As per the prosecution case, the applicant who was working as an Agent in the Company namely Wave Infra Project Limited has got the money deposited from various depositors with an assurance to return the same with double amount under the money circulation scheme but subsequently when the time was elapsed, at the time of maturity, the Company wound up without refunding the amount to the depositors.
3. Learned counsel for the applicant submits that the applicant was working as an agent and from four persons the amount was deposited in the Company and it was not kept with the applicant and the amount

has been returned by the applicant to the depositors, therefore, considering the role played by this applicant, he may be enlarged on bail.

4. Learned State counsel filed its reply and it is stated that the applicant was working as an Agent and he was not in the helm of affairs to decide the policy decision.
5. Considering the role played by the applicant which prima facie shows that the applicant was an agent and was not involved in taking policy decisions of the Company and further considering the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 03.02.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed and 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 shall also appear before the trial Court as and when directed by the said Court.

Sd/-
(Goutam Bhaduri)
JUDGE