

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3458 of 2016

Bachchan Das Sahu, S/o. Toman Das, Aged About 54 Years, R/o. Purani Basti, Latabod, Police Station Balod, District Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Basantpur, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent : Mr. Neeraj Kumar Sharma, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.07.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.201/2015 registered at Police Station- Basantpur, District Rajnandgaon (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code. The first bail application was dismissed as withdrawn on 21.12.2015 in M.Cr.C. No.6427/2015.
2. As per the prosecution case, the Company namely Om Shri Sai Balaji Marketing Private Limited allured different persons to deposit the money to double the same within a short period of time and when the money was deposited then the office of the Company all of a sudden was closed and the said circulation of money was turned without the sanction of RBI or SEBI.
3. Learned counsel for the applicant would submit that the role of the applicant is that he was working as an agent and he himself had

invested certain amount in the Company and he alongwith other depositors is also a victim and only on the basis that he was an agent, he has been inculpated. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 22.08.2015, therefore, considering the role played by the applicant, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the applicant was working as an agent.
5. Perused the earlier order dated 21.12.2015. Considering the fact that earlier bail application was dismissed as withdrawn, State was directed to file its reply. The reply of the State would show that the applicant was working as an agent. Taking into fact that the applicant was working as an agent and he himself had deposited the money in the Company and further considering the fact that the charge sheet has been filed and the applicant is in jail since 22.08.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge