

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3923 of 2016

- Umashankar Sinha S/O Shri Shyam Kumar Sinha Aged About 24 Years R/O Bhathenapara, Dhamtari, P.S. & District Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Baod, District Balod, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Luv Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 29-05-2016 in connection with Crime No. 243 of 2016, registered at Police Station Balod, District Balod (CG) for the offence punishable under Sections 3, 4 and 5 of the Prize Chit Fund and Money Circular Banning Scheme Act, 1978.
2. As per prosecution case, on 29-5-2016 at Nishad Bhawan at Balod, the applicant along with others held meeting for Safe & Secure Online Marketing Private Limited and asked the people to deposit Rs.500/- to become a member and subsequently they would get the commission on selling products and while the meeting was being conducted, spot was raided and the applicant was arrested.
3. Learned counsel appearing for the applicant would submit that the the applicant has been falsely implicated in the case, no offence has been committed by the applicant as he was only agent of the

company and was describing how to sell the products for online for the company and after the products were being sold they would get the commission, therefore, it cannot be said that the offence has been committed. The counsel submits that the applicant is in jail since 29-5-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the witnesses Shiv Shankar and Smt. Janaki Bai wherein they have stated that the applicant and others were giving information about the products of the company, at that time police came there and arrested the applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant, considering the statements of the witnesses and taking into fact that the applicant is in jail since 29-5-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju