

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4018 of 2016

- Kanhaiya Lal Sahu S/o Shri Fuluk Ram Sahu Aged About 54 Years
R/o Supela, P.S. Bhakhara, Dhamtari, Chhattisgarh. Present Address
Dunda, P.S. Sejbahar, Raipur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through P.S. Telibandha, District Raipur,
Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Pragalbha Sharma, Advocate
For the Respondent	:	Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.07.2016

1. This is first 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. 05 of 2016 registered at Police Station Telibandha, District Raipur (C.G) for the offence punishable u/ss 420, 120B, 201, 409/34 IPC and Sections 3, 4 & 5 of Prize Chit and Money Circulation Scheme Banking Act, 1978.
2. As per the prosecution case, a report was made by the complainant stating that the applicant who was working as agent of the Company namely Devyani Properties Ltd., 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 lapsed, neither the money nor any property in exchange as assured was given to the depositors thereby the Company has deceived the public at large.
3. Learned counsel for the applicant submits that the applicant was working as an agent and he himself has invested certain amount in the Company as evident from the documents filed as Annexure A-2. He also submits that the applicant has not played any vital role in

taking policy decisions of the Company as he was merely working as an agent. It is further submitted that the charge sheet in this case has been filed, no further evidence is required and the applicant is in jail since 04.01.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the applicant was working as an agent and thus he was not part of taking any policy decisions.
5. Perusal of documents (Annexure A-2) prima facie shows that the applicant has also invested money in the Company and the documents of charge sheet also reveal that the applicant was working as an agent.
6. Considering the role played by the applicant which prima facie shows that the applicant was not involved in taking policy decisions of the Company and further as would be evident from Annexure A-2 the applicant himself had invested the amount, therefore, after considering the entire allegations against the applicant 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 29.01.2016, I am inclined to release the applicant on bail.
7. 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.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**