

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 72 of 2016

1. Suklal, S/o. Bundram Sahu, aged about 48 years, R/o. Village Mohgoan, Thana Sakti, Civil and Revenue District- Janjgir-Champa (C.G.)
2. Amrit, S/o. Garib Das Mahant, aged about 42 years, Caste-Panika, R/o. Village-Jarve, Thana – Uрга, Civil and Revenue District-Korba, District-Korba (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Police Station – Civil Line, Bilaspur, District – Bilaspur (Chhattisgarh)

---- Respondent

For Applicants	: Ms. Sharmila Singhai, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.649/2015, registered at Police Station – Civil Line, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 420, 409, 120-B/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Kunji Lal Khande, retired Forest Guard against the Director and Team Holders of the Pulse Gold Real Estate India Company that at the instance and promise of the officer's of the company, he had deposited amount of Rs.5.00 lakhs being his retiral benefits in the

scheme of the company on the assurance that he received back the amount doubled and triple in five and six years. After deposit of amounts, certain bonds were issued, however, subsequently as promised neither the amount has been returned by the company as per promise nor the plot was given. Therefore, on the report, so lodged, investigation was carried out. It is further case of the prosecution that the applicants are the agent of the company.

3. Learned counsel for the applicants submits that the applicants themselves were agent of the company and they have not taken any policy decision in respect of the company and they were paid remuneration, therefore, the case of the applicants are different to that of the directors who are at the helm of affairs and the applicants have not committed any forgery. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 21.10.2015, therefore, the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he did not dispute the fact that role of the applicants were that of the agent and they were working on commission, which is evident from the statement of the Kunjilal Khande, the complainant.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the fact that the applicants were working in the capacity of agent and the amounts were deposited in the company namely Pulse Gold Real Estate India Company. Considering the capacity in which the

applicants operated being the agent, which is not disputed by the State and taking in to the fact that the applicants are in jail since 21.10.2015 and the charge-sheet in this case has been filed, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge