

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 824 of 2016

Smt. Somu Mukherjee, W/o. Shri Tanmoy Mukherjee, Aged About 50 Years, R/o. MIG 952, Hudko Bhilai, P.S. Bhilai Nagar, Civil & Revenue Distt. Durg, Chhattisgarh

--- Applicant

Versus

State Of Chhattisgarh, Through P.S. Bhilai Nagar, Civil & Revenue Distt. Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Mr. Devershi Thakur, Advocate
For the Respondent	:	Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant in connection with Crime No. 480/2015 registered at P.S. Bhilai Nagar, Durg (C.G) for the offence punishable under Section 420, 406 of Indian Penal Code, under Section 3 & 6 of the Prize Chits & Money Circulation Scheme (Banning) Act, 1978 and under Section 10 of Chhattisgarh Ke Nishpekshako Ke Hito Ka Sanrakshan Adhiniyam, 2005.
2. As per the prosecution case, the Kolkata Weir Industries Limited allured different persons to deposit money and subsequently after receipt of money issued different allotment and certificate with an assurance to double the same within a short span of time. Subsequently, when the amount was not paid back to the depositors they approach to the Company and the Company was closed and all the persons fled away.

3. Learned counsel for the applicant would submit that the applicant was only acting as an Agent and she was not involved in the helm of affairs and policy decision of the Company and the applicant herself and her family members invested more than Rs.7 Lakhs, which would be evident from the documents filed alongwith the bail application. He further submits that the charge sheet in this case has been filed and no further evidence is required, therefore, considering the role played by the applicant, she 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 case diary and the documents, which prima facie shows that the applicant was working as an Agent and on the behest of the applicant, money was deposited in the Company. Considering the role played by this applicant as she was working as an Agent, taking into fact that the applicant 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 in jail since 29.11.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on her 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 her appearance as and when directed.

Sd/-
GOUTAM BHADURI
JUDGE