

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3596 of 2016

1. Ajay Kumar Thakur S/o J.R. Thakur Aged About 49 Years R/o Quarter No. 4 A/Sector 7 Bhilai, District Durg Chhattisgarh.
2. Rakesh Sharma S/o Panna Lal Sharma Aged About 50 Years R/o Quarter No. 7a/Sector 7 Bhilai, District Durg Chhattisgarh. --- **Petitioners**

Versus

- State of Chhattisgarh through The Station House Officer, Police Station Kusmunda, District Korba Chhattisgarh. --- **Respondent**

For the applicant	:	Mrs. Seema Singh, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer
For the Objector	:	Ms. Soniya Kuldeep, 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 applicants in connection with Crime No. 71/2016 registered at P.S. Kusmunda, Distt. Korba (C.G) for the offence punishable under Sections 420, 406/34 of IPC.
2. Case of the prosecution, in brief, is that a report was made by one Ram Kumar Rathore that at the instance of the applicants, he went along-with the applicants to Nagpur and thereafter he along-with others invested Rs.59.00 lakhs in the company namely Smart Vision and Fisheries Mart with a promise to get the amount doubled within a period of 7 months. Subsequently, the same having not been done, the report is made and the money circulation is without the permission of R.B.I. or SEBI.

3. Learned counsel for the applicants submits that the applicants were not in helm of affairs of the company and they are working as agents and they themselves have deposited the money with the company. He further submits that Applicant No.1 Ajay Kumar Thakur has deposited the amount of his sister and the applicants are local residents and the money was not kept by them, therefore, no offence has been committed by them. It is further submitted that the charge-sheet in this case has been filed and the applicants are in jail since 16.05.2016, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State as also learned counsel for the objector oppose the bail application.
5. Perused the statements of Ram Kumar Rathore and Rakesh Kumar Sharma, wherein it is stated that they have deposited the money in the company which is owned by Vijay Pusdekar. Considering the status of the applicants and the role played by them and further considering the fact that the applicants were not principally liable for taking any policy decisions of the Company as also the fact that the charge sheet has been filed and the applicants are stated to be in jail since 16.05.2016, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicants shall be released on bail on each of them 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.

Certified copy as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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