

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1594 of 2016

Lain Das Mahant S/o. Amar Das Mahant, Aged about 44 years, Caste-
Mahant, R/o. Schoolpara, Ghuthiya, Police Station Janjgir, Tehsil Janjgir,
District Janjgir Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through – Station House Officer, Police Station
Champa, District Janjgir Champa (C.G.)

---- Respondent

For Applicant :- Mr. Ranbir Singh Marhas, Advocate

For Respondent/State :- Mr. Anil S Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15/03/2016

1. This is the second bail application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 397 of 2015 registered at Police Station- Champa, District Janjgir Champa (C.G.) for the offence punishable under sections 420 read with section 34 of Indian Penal Code. The first bail application of the applicant was rejected on merit on 04.01.2016 in M.Cr.C. No. 7310 of 2015 on the ground that the investigation was going on.

2. As per the prosecution case, the applicant allured the persons of village to make deposit in Guru Sai Real Estate Company on the assurance that the amount would be doubled within a short period of time. Consequently, several persons of the village deposited the amount at the

instance of the applicant. However, suddenly the company was closed and the return of money as promised to the villagers was not made as the promise was not fulfilled the report was made by one Suresh Kumar Yadav and the investigation was carried out.

3. Counsel for the applicant submits that the applicant is the only agent of the company and the real culprit is the director of the company namely Guru Sai Real Estate Company are still at large. He further submits that investigation is completed and no further evidence is required against this applicant and the applicant has himself deposited an amount of Rs. 6 lakhs along-with the family members on assurance to get commission, consequently, the applicant asked the people to deposit the money in the company and such money was deposited in the account of the company. He further submits that the applicant has not derived anything from the company as the money was deposited in the account of the company. He further submits that the charge-sheet has been filed in this case and the applicant is in jail since 28.11.2015, therefore, the applicant may be enlarged on bail.

4. Per contra State counsel opposes the prayer for grant of bail and submits that the as per the statement of Suresh Kumar Yadav, the applicant was the agent of the company, therefore, the applicant should not be enlarged on bail.

5. Perused the case diary and the charge-sheet. Perusal of the statement of Suresh Kumar Yadav, Bajrang Lal Sahu and Sonauram etc, would show that they have deposited the amount in the company when they persuaded by this applicant. Perusal of the case diary would show that an agreement was also executed by this applicant whereby it was stated that if the company do not pay the amount, then he will pay the

amount to the depositors. Perused the documents filed alongwith the bail petition, prima facie it shows that the applicant and the family members have also deposited money in the Guru Sai Real Estate Company, therefore, taking into the role played by this applicant as he was working as an agent, considering the statement and the fact that the charge sheet has been filed and the applicant is in jail since 28.11.2015, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular 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 furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
JUDGE