

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2551 of 2016

Nand Kumar Vaishnav, S/o. Goverdhan Das Vaishnav, Aged About 45 Years, Occupation Cultivator, R/o. Village Lanja, Police Station Simga, District Baloda Bazar-Bhatapara, Chhattisgarh

--- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Telibandha, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Mr. Suryakant Mishra with Vinay Dubey,
Advocates

For the Respondent : Mr. Anil S. Padey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.06.2016

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. 05/2016 registered at P.S. Telibandha, Raipur (C.G) for the offence punishable under Sections 420, 34, 120B, 201 of Indian Penal Code.
2. As per the prosecution case, the applicant who was working as an Agent in the Company namely Devyani Properties Limited 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 were 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. He would submit that it will be evident from Annexure A-2 that the applicant has not played any vital role in taking policy

decisions of the company and he he himself was working as an Agent. 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 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 received the amounts.
5. Perusal of the document Annexure A-2 prima faice shows that the applicant has also invested money in the Company and the documents of charge sheet also reveal that the applicant 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.

Sd/-

**GOUTAM BHADURI
JUDGE**