

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2790 of 2016

Dhaneshwar Ram, S/o. Bhagwan Ram, Aged About 29 Years, Caste Rajwar, R/o. Village Jogi Bandh, Police Station & Tahsil Ambikapur, District Surguja, Chhattisgarh

--- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Station Gandhinagar, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For the Applicant : Mr. D.N.Prajapati, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No. 42/2016 registered at Police Station- Gandhinagar, Ambikapur, District Surguja (C.G) for the offence punishable under Section 420, 34 of Indian Penal Code.
2. As per the prosecution case, a report was made that B.N.Gold Real Estate Company allured different depositors to deposit money with an assurance to return the same with double amount under the money circulation scheme but subsequently when the time was elapsed, at the time of maturity, the Company did not returned the amount and it has been closed; 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 relied on the documents filed along with the bail application, which are certain receipts issued in favour of the

applicant by the Company. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 01.04.2016, 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 on behalf of the Company.
5. 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 the documents attached along-with the bail application, 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 01.04.2016, I am inclined to release the applicant on bail.
6. 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