

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3280 of 2016

1. Shatrughan Singh Sarva, S/o. Shri Dayaluram, aged about 45 years,
R/o. Village – Gujara, Post Doma, Tahsil and District – Dhamtari (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police of Police
Station- Kotwali, District – Dhamtari (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Y.C. Sharma, Advocate
For Respondent/State	: Mr. Neeraj Ku. Sharma, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/07/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.9/2016, registered at Police Station – Kotwali, District – Dhamtari (C.G.) for the offence punishable under Section 420, 409, 120-B of Indian Penal Code and Section 3, 4 & 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.
2. Case of the prosecution, in brief, is that one Sai Prasad Properties Limited Company allured different person to deposit the money so as to double the same within a short period of time and the money having been collected from the different persons without returning the same on their maturity all of a sudden the company was closed and the said amount were received by the company without any sanction of the Reserve Bank of India or SEBI. Thereby the money

was circulated and received by the company from different persons on false assurance and having not been returned, the general public at large were defrauded with organized effort.

3. Learned counsel for the applicant submits that the applicant was an agent and was working for company and the entire money was deposited with the company and not kept by the applicant. It is further submitted that the applicant himself has invested the amount in the said company, which is evident from the document Annexure A/2. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 16.04.2016, therefore, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he did not dispute the fact that role of the applicant was that of the agent as would be evident from the document filed in the charge-sheet.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the fact that the applicant was working in the capacity of agent and the amounts were deposited in the company. Considering the role played by the applicant as he was working as an agent and according to the document Annexure A/2 he himself has invested the amount in the company. Taking in to the fact that the applicant is in jail since 16.04.2016 and the charge-sheet in this case has been filed, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his 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 his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram