

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3951 of 2016

1. Manohar Dhiwar S/o Bhagat Ram Dhiwar Aged About 40 Years R/o Dumartarai, Post Devpuri, Police Station Mana Camp, Raipur, District Raipur, Chhattisgarh.

2. Daya Nevare S/o Late Umashanker Neware Aged About 40 Years R/o Behind Sant Josef School, Amlidih, Police Station New Rajendra Nagar, Raipur, District Raipur, Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For the Applicants : Shri C.R. Sahu, Advocate

For the Respondent : Shri Om.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.07.2016

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. 05/2016 registered at P.S. Telibandha, Raipur, District Raipur (C.G) for the offence punishable under Sections 420, 34, 120B, 201, 409 of Indian Penal Code and Sections 3, 4 & 5 of the Price Chit and Money Circulation Scheme Banning Act, 1978.
2. As per the prosecution case, the applicants who were working as an Agent in the Company namely Devyani Properties Limited 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 lapsed, neither the money nor any property in exchange were given to the depositors thereby the Company has deceived the public at large. Said activity was done without sanction of the Reserve Bank of India or SEBI.
3. Learned counsel for the applicants submits that the applicants were

working as an agent and they themselves have invested certain amount in the Company. He would submit that it will be evident from Annexure A-2 that the applicants have not played any vital role in taking policy decisions of the company and they themselves were 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 applicants, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the applicants were working as an Agent and received the amounts.
5. Perusal of the document Annexure A-2 prima faice shows that the applicants have also invested money in the Company and the documents of charge sheet also reveal that the applicants were working as an agent.
6. Considering the role played by the applicants as were working as agents which prima facie shows that the applicants were not involved in taking policy decisions of the Company and further as would be evident from Annexure A-2 the applicants themselves have invested the amount, therefore, after considering the entire allegations against the applicants and further considering the fact that the charge sheet in this case has been filed and the applicants are stated to be in jail since 04.01.2016, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them 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. They shall also appear before the trial Court as and when directed by the said Court.

Sd/-

**GOUTAM BHADURI
JUDGE**