

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4110 of 2016

1. Sukhnandan Sahu S/O Samaru Ram Sahu Aged About 40 Years R/O Durga Chowk, Amlidih, Police Station New Rajendra Nagar, Raipur Chhattisgarh
2. Umashankar Sahu S/O Late Ghasi Ram Sahu Aged About 35 Years R/O Fafadih, New Ganj Mandi Road, Police Station Ganj, Raipur Chhattisgarh.
3. Dhaniram Sahu S/O Puran Lal Sahu Aged About 30 Years R/O Village Dunda, Thana Sejbahar, Raipur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Telibandha, Raipu Distt. Raipur Chhattisgarh

---- Respondent

For Applicants : Mrs. Smita Jha, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 4-1-2016 in connection with Crime No. 5 of 2016, registered at Police Station Telibandha, District Raipur (CG) for the offence punishable under Sections 420, 120-B, 201, 409/34 of the IPC and Sections 3, 4 & 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978).
2. The case of the prosecution, in brief, is that the applicants who were working as agents in the company namely Devyani Properties Limited have got the money deposited from various depositorss 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 was given

to the depositors, thereby the company deceived the public at large.

3. Learned counsel appearing for the applicants would submit that the applicants were working as agents and they themselves have invested certain amount in the company. She would submit that it would be evident from Annexure A/2 that the applicants have not played any vital role in taking policy decisions of the company. She would further submit that charge-sheet has been filed, the applicants are in jail since 4-1-2016 and no further investigation is required. It has been further submitted that similarly placed other co-accused person has been granted bail vide order dated 21-6-2016 passed by this Court in M.Cr.C No. 2442 of 2016, therefore, the applicants may also be released on bail on the ground of parity.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicants is similar to the case of co-accused person who has been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perusal of the document Annexure A/2 *prima facie* 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 agents in the company.
7. Considering the role played by the applicants 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 had invested the amount in the company and further considering the fact that similarly

placed other co-accused has been granted bail by this Court,
I am inclined to release the applicants on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju