

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4395 of 2016

- Bhupendra Hirwani S/o Late Chintaram Hirwani Aged About 48 Years
R/o Village Bharaunda, Mandhar, Tehsil & District Raipur,
Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Police Station Telibandha, Raipur,
Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Raza Ali, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.08.2016

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, Distt. Raipur (C.G) for the offence punishable under Sections 420, 34, 120B, 201, 409 IPC and Sections 3, 4 & 5 of Prize Chit and Money Circulation Scheme Banning Act, 1978.

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 which is evident from Annexure A-2. He further submits that the applicant has not played any vital role in taking policy matters of the company and he he himself was working as an Agent. He further submits that similarly placed co-accused Chandrasekhar Sahu has been enlarged on bail by this Court in M.Cr.C.No.2442/2016 on 21.06.2016 and the case of the present applicant is not different from that of co-accused who has been enlarged on bail. It is also submitted 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 similarly placed person has been enlarged on bail by this Court.

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 04.01.2016 and further the fact that similarly placed accused has been enlarged on bail by this Court, I am inclined to allow this bail application.

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.
C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**