

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4410 of 2016

Kaushal Kumar Phekar, S/o. Bhukhram Phekar, Aged About 40 Years,
Caste Dhimar, R/o. Village Rohasi, Police Station Palari, District Baloda
Bazar – Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Baradwar, District
Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rakesh Pandey, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.136/2016 registered at Police Station- Baradwar, Distt. Janjgir-Champa (C.G.) for the offence punishable under Section 409, 420 read with Section 34 of Indian Penal Code.
2. As per the prosecution case, the applicant for and on behalf of the Company namely Bhoomi Devcon & Agritech Ltd., Rajnandgaon in which he was working as Director floated different schemes to give lucrative interest on deposits with a further promise that the amount deposited will be doubled within a short period of time with interest and in the alternative, the land would be given and subsequently after some time, the company was closed and every one fled away. The allegation is that the applicant being part of the Company has committed offence.

3. Learned counsel for the applicant would submit that the applicant was working only as an agent and employee and he has not taken any policy decisions with respect to the Company. He referred to the document Annexure A-2 and would submit that the applicant has not been shown to be Director and he being the employee, he himself has been cheated, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that as per the statement, the role of the applicant is shown to be of Director.
5. Perused the case diary and the documents, except the statement no document has been placed on record to show that the applicant is working as a Director. The charge sheet contains the list wherein the Directors have been shown namely Radha Bai, Lal Chand, Ghasiram & Sanjay Kumar Agrawal. Considering the fact that the applicant was working as agent and money appears to have been deposited in the Company and further considering the role played by this applicant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge