

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 4557 of 2016**

1. Vishnu Prasad Sahu, S/o. Late Seturam Sahu, aged about 37 years,  
R/o. Village - Goverdhanpur, Raigarh, Tahsil and District – Raigarh  
(C.G.)

----Applicant

**Versus**

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

---- Respondent

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| For Applicant        | : Mr. Awadh Tripathi, Advocate    |
| For Respondent/State | : Mr. Neeraj Jain, Govt. Advocate |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**16/08/2016**

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.112/2016, registered at Police Station – Chakardharnagar, District – Raigarh (C.G.) for the offence punishable under Section 420, 120-B/34 of the Indian Penal Code and Sections 6 (5) of the Chhattisgarh Protection of Depositors Interests Act, 2005.
2. Case of the prosecution, in brief, is that the applicant was working in the company namely Sai Prakash Company and took the money from the different persons and assured them to returned the same

doubled within a short period of time. Subsequently, all of a sudden, the company was closed and the money was not returned and the applicant has recovered the money on behalf of the company. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant is only working as an agent of the company and he was not in a position to take any policy decision and he worked as an employee of the company. It is further submitted that the applicant himself invested the amount in the company and he also lodged the complaint to the police according to the Annexure A/7. It is prayed that considering the role played by this applicant, he may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact the applicant was working as an agent of the company.
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 as an agent and he was not in helm of affairs of the company to take any policy decision. Further considering the documents, which shows that the applicant has also invested the money in the company, taking into totality and the role played by this applicant, 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