

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4830 of 2016**

- Suresh Mishra S/o Rewa Prasad Mishra Aged About 37 Years R/o Shiv Colony, Aamapara, Police Station - Balod, Distt. Balod Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh Through, Station House Office, Police Station - Balod, Dist. Balod Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Neeraj Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****23.08.2016**

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. 88 of 2016 registered at P.S. Balod, Distt. Balod (C.G) for the offence punishable under Section 420/34 IPC and Sections 3, 4 & 5 of the Prize Chit and Money Circulation (Prevention Scheme) and Section 10 of the *Chhattisgarh Niksepakon Ke Hito Ka Sanrakshan Adhiniyam*.
2. As per the prosecution case, a report was made by the complainant Yashwant Kotwari that he has deposited Rs.2 lakhs in Shriram Real Estate and Business Solution Ltd., Co., with an assurance that he will get high rate of interest and after sometime he was given Cheques for repayment of certain amount uptill October. Subsequently, the cheques which were given to the complainant were dishonoured and thereafter the company was found to be closed at Balod. It is alleged that the deposits were collected without permission of Reserve Bank of India or SEBI thereby the offence is

committed.

3. Learned counsel for the applicant would submit that he was working as Manager in the Company and the money was not kept by him, therefore, the entire offence has been committed by the Company and its directors. He further submits that the applicant was not in the helm of affairs to take policy decision and therefore no offence has been committed by him.
4. Per contra, learned State Counsel opposes the bail.
5. Perused case diary documents. Prima facie it shows that the applicant was working as Branch Manager and being an employee of the Company he was not assigned any crucial work.
6. Therefore, taking into fact that the applicant was not in the helm of affairs of the Company to take policy decisions and considering the role played by him as also the fact that the charge sheet in this case has been filed and the applicant is said to be in jail since 21.02.2016, 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