

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7460 of 2015**

Pukhraj Sahu, S/o. Late Shri Sitaram Sahu, Aged About 44 Years, R/o. Village Baktara, P.S. Abhanpur, Tahsil Abhanpur, District Raipur Chhattisgarh

**---- Applicant**

Versus

State Of Chhattisgarh, Through P.S. Mahasamund, District Mahasamund, Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Prakash Tiwari with C.R.Sahu, Advocates

For Respondent : Mr. Ramakant Mishra, Dy. A.G.  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**25.01.2016**

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.138/2015, registered at Police Station– Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 420, 467/34, 120-B of Indian Penal Code and under Section 3, 4 of the Prize Chits & Money Circulation Scheme Banking Act, 1978.
2. Case of the prosecution, in brief, is that the applicant along-with the other co-accused have allured different persons of the village and thereafter collected the amount in name of H.B.N. Diary & Allied Limited and from the complainant Raju Yadav an amount of Rs.35,571/- was collected with a promise to return the same within a short period with the double amount. Likewise the applicant has collected an amount of Rs.19 Lakhs from different distributors for and on behalf of the company and deposited in the company.

3. Learned counsel for the applicant submits that the applicant is a poor villager and he was an employee of the company and was only working as an agent and actually the Director of the company has collected Rs.65 Crores from different distributors and have fled away. He further submits that the applicant has falsely been implicated in this case and considering the detention of the applicant, as he is in jail since 29.11.2015, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perusal of the charge sheet would show that the allegation against this applicant is that he was working as an agent. On the statement of Raju Yadav, it is stated that the applicant disclosed the fact that the position of the company was not well. The documents also shows that the entire amount was deposited in the company and the depositors and the agent have also reported to the police that Harmindar Singh, Amandeep Singh, Pankaj and Gurmindar Kaur they are the Director were actually in the helm of affairs. Along with the application, a copy of the affidavit of Raju Yadav is also filed wherein he has stated that he has made allegation against the H.B.N. Company and not against this applicant and he has received the amount from the Company. Taking into such statement and the role played by this applicant, it appears from the primary evidence that the role of the applicant was only limited and he was not involved in the policy of the Company and further taking into affidavit and statement of Raju Yadav, the complainant, I am of the opinion that this is a fit case to enlarge the applicant on 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 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