

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2562 of 2016

Mridul Singh Chouhan, S/o. Sultan Singh Chouhan, Aged About 28 Years,
R/o. House No. 444, Sethi Nagar, Ujjain, Police Station- Madhav Nagar,
Ujjain, District - Ujjain (M.P.).

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station -
City Kotwali, District Dhamtari (C.G.).

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30.08.2016

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.258/2015 registered at Police Station- City Kotwali, District Dhamtari (C.G.) for the offence punishable under Section 420, 409/34 of Indian Penal Code.
2. As per the prosecution case, M/s. Sanjeevani Produces Company Ltd., has raised huge amount of public money without prior permission of RBI & SEBI with an assurance to double the same within a short period of time. Subsequently, the office at Dhamtari was closed and it is alleged that the applicant was working as General Manager of the Company who used to take meeting at Raipur & Dhamtari so as to impress upon the agent to implement the policy of the Company; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant was working as employee of the company on a monthly

remuneration of Rs.20,000/- with incentives & commission and subsequently, the applicant has resigned on 26.09.2014 which was accepted on 10.12.2014 and therefore the applicant was not taking any policy decision of the Company but implementing the direction issued by it's Directors who was taking the principal decision. He further submits that the charge sheet in this case has been filed, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the applicant was working as General Manager and also his name was shown as Director in the shop establishment certificate licence, therefore, he may not be released on bail.
5. Perused the case diary and the documents as also the reply filed by the State. Perusal of the documents and reply would go to show that the applicant was working as General Manager of the Company on a salary of Rs.20,000/- and it appears that the applicant had resigned the Company on 26.09.2016. Taking into the facts, prima facie, it appears that the applicant has not taken any policy decision for implementation of the Company, therefore, considering the role of the applicant and the fact that the charge sheet has been filed, 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