

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 813 of 2016**

1. Prafulla Das, S/o. Shri Priyanath Das, aged about 35 years, R/o. Village-Subhash Nagar, P.O. Raghavpuri, P.S. - Gandhinagar, Tahsil – Ambikapur, District – Surguja (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Gandhinagar, District – Surguja (C.G.)

---- Respondent

For Applicant	: Mr. Rakesh Kumar Jha, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/10/2016**

1. Apprehending arrest in connection with Crime No.88/2016 registered at Police Station- Gandhinagar, Ambikapur, District – Surguja (C.G.), for offence punishable under Section 420, 506/34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a company named Steadfast Infra Pro. Ltd. allured the different persons to deposit the money in the company with an assurance to return the same with high interest. Few of the persons and the applicant also allured the different persons to deposit the amount in the said company and consequently certain amounts were deposited. Eventually the company was closed and no amount was returned to the depositors. The said collection of the amount was made without the sanction of the RBI or SEBI. The applicant also insisted the different people to deposit the money. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant was neither agent nor any director of the company and the director and agents were some other persons namely Yogesh Mahadevpuri, Arunanshu Das, Krayshu Mahadevpuri had committed the offence. He further submits that charge-sheet in this case has been filed and no evidence is available against the present applicant to show that the applicant was working as an agent of the company. Therefore, the counsel prays that the applicant may be extended the benefit of Section 438 of Cr.P.C.
4. Per contra, learned counsel for the State opposes the application for grant of bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary, documents and the statement of Sanjeev Bose, wherein joint allegations have been attributed to this present applicant. Taking into such statement it is not a case, where the benefit of Section 438 of Cr.P.C. can be extended to the applicant as it can not be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge