

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4544 of 2016

Sanjay Kumar Tiwari, S/o. G.P. Tiwari, Aged About 47 Years, Caste - Bramhan, R/o. V.V. Biahar Colony, Gali No. 3, Mowa, Post Office - Raipur, Police Station - Mowa, (Resident mentioned as per charge sheet) District—Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Baradwar, District – Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.09.2016

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.136/2016 registered at Police Station Baradwar, District Janjgir-Champa (C.G.) for the offence punishable under Section 420, 409/34 of Indian Penal Code.
2. As per the prosecution case, the applicant for and on behalf of the Company namely Bhoomi Devcon & Agritech Ltd. Rajnandgaon in which he was working as M.D. floated different Schemes to give lucrative interest on deposits with a further promise that the amount deposited will be doubled within a short period of time with interest and in the alternative, the land would be given and subsequently after some time, the Company was closed and everyone fled away. The allegation is that the applicant being part of the Company has committed offence.

3. Learned counsel for the applicant would submit that though the designation of the applicant is shown as M.D. but he was working as Marketing Developers and he has not taken any policy decisions with respect to the Company and the entire policy decisions were taken by the Directors of the Company namely Lal Chand, Radha Bai, Ghasi Ram, Sanjay Kumar and Kaushal Prasad, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the allegations made against the applicant and the role played by him as he was the employee of the Company working as Marketing Developers and he has not participated in taking policy decisions of the Company, 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