

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4792 of 2016

Puranik Dewangan, S/o. Beer Singh Dewangan, R/o. Ward No.1, Near Dikariya Talab, Rajim, P.S. Rajim District Gariyaband, Locally Residing At Jamgaon, P.S. Fingeshwar, Gariyaband, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: The Police Station Telibandha, Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. N. Naha Roy, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.09.2016

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.72/2016 registered at Police Station- Telibandha, Raipur, Distt. Raipur (C.G.) for the offence punishable under Section 420, 406, 409, 120-B, 34 of Indian Penal Code and Section 10 of the C.G. Nikshepako Ka Sanrakshan Adhiniyam, 2005.
2. As per the prosecution case, certain amounts were collected by the Company namely SUSK India Limited & Shining Star Infrastate Limited from the different depositors with a promise to return the same with a high return, however, after the considerable period when the amount was not paid to various persons, on enquiry it was found that the office of both the Companies were closed. The said collection was without permission of RBI or SEBI, thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant was not in the helm of affairs of SUSK India Limited and though he

was shown to be as E.D. in one of the agreement but he was not actually holding the post of any Director. It is further submitted that the applicant was working in the employment of SUSK India Limited and was not in the helm of affairs to take decision of the Company and the Directors were the other persons, therefore, considering the role played by the applicant, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and the charge sheet. The charge sheet documents as collected of SUSK India Limited shows that the Directors have been named as Narendra Singh Lodhi, Dinesh Saini, Sunil Lodhi, Anil Lodhi, Santosh Kumar Jaiswal and Fatte Singh. Though the applicant has been shown as E.D., but there is no document on record to show that the applicant was in the helm of affairs of the Director of the Company who has taken the policy decision on behalf of SUSK India Limited. Considering the role played by the applicant, it prima facie appears that he has not taken any policy decision on behalf of the Company and further he appears to have worked on behalf 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