

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 876 of 2016

1. Shivram Nahak, S/o. Late Shri Hari Nahak, aged about 40 years, R/o. Ward No.32, Godripara, Chirmiri, Tahsil Khadgawa, District – Korea (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, through : Station House Officer, Police of Police Station Chirmiri, District -Korea (C.G.)

---- Respondent

For Applicant : Mr. Anil Gulathi, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/09/2016

1. Apprehending arrest in connection with Crime No.220/2016 registered at Police Station – Chirmiri, District – Korea (C.G.), for offence punishable under Section 420, R/w. Section 34 of Indian Penal Code, Section 4 & 5 of Chit Fund and Money Circulation Act, 1978 and Section 10 of Chhattisgarh Niveshko Ke Hiton Ka Sanrakshan Adhiniyam, 2015, the applicant has preferred this application for grant of anticipatory bail.
2. As per the case of the prosecution one Micro Finance Company Limited allured the different depositors and downtrodden people where they asked to deposit different amounts in the company and in turn the company assured that they will return the amount with high interest rate. The said company was operated in the area of Chirimiri for last 15 years, however, when the amount was became

due, the company did not return the same. On investigation it is revealed that the applicant who was in the helm of affairs of the company at the relevant time managed the company and collected the money from the different depositors.

3. Learned counsel for the applicant would submit the applicant is the employee of the company and he has not committed any offence and the account of Micro Finance Limited company has been seized by the Crime Branch Police of Orissa and the applicant being the employee he has not committed any offence, therefore, the counsel prays that the applicant may be enlarged on anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. I have heard the learned counsel appearing for the parties.
6. Perused the case diary and the documents. The document/certificates appears to have been collected during the investigation shows that it bears the signature of the applicant. Considering the evidence at present collected 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.

(Goutam Bhaduri)
Judge