

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5507 of 2016

- 1. Gyanik Patel S/o Hichchha Ram Patel Aged About 27 Years R/o Village & Police Station Bamhanidih, Tahsil & District Janjgir Champa, Chhattisgarh.
- 2. Kholuram Patel S/o Anant Ram Patel Aged About 39 Years R/o Village Sothi, Police Station Bamhanidih, Tahsil & District Janjgir Champa, Chhattisgarh. **--- Applicants**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Chakradhar Nagar, District Raigarh, Chhattisgarh. **--- Respondent**

For the applicants	:	Mr. Ashish Gupta, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.09.2016

- 1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 108 of 2016 registered at P.S. Chakradhar Nagar, Distt. Raigarh (C.G) for the offence punishable under Sections 420, 120(B)/34 of IPC and Section 6(5) of the *Chhattisgarh Nikshepako Ke Hito Ka Sanrakshan Adhiniyam, 2005*.
- 2. As per the prosecution case, a report was made by one Budhni Bai that the applicants along-with other co-accused on behalf of the Ambedkar Real Estate Limited have allured the complainant and different depositors to deposit the amounts with a promise to return the amounts with high rate of interest thereby their amounts will become double and thereafter their amounts were not returned and it was found that the Company has placed the money in circulation schemes without obtaining permission of RBI and SEBI, thereby the fraud has been committed.
- 3. Learned counsel for the applicants submits that the applicants are

working as employees/agent and they have not taken any policy decision on behalf of the Company and they being clerk and agent respectively, have only obeyed the instructions of the Directors of Company. He further submits that the charge sheet has been filed and no further investigation is necessary and the applicants are in jail since 23.07.2016, therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that one of the applicants was working as a clerk and the other was working as agent.
5. Perused the case diary.
6. Considering the fact that the applicants are working as employees/agent of the Company and thus taking into the role attributed to the applicants it appears that they have not participated in taking policy decisions and being employees/ agent they have obeyed the instructions of the Superiors of the Company as also considering the fact that the charge sheet in this case has been filed and the applicants are in jail since 23.07.2016, I am of the view that it is a fit case to enlarge the applicants on bail.
7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**