

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5742 of 2016

1. Nandkishore Dewangan, aged about 29 years, S/o. Narayan Lal Dewangan, R/o. Rajiv Nagar, Ward No.43, Basantpur, Rajnandgaon, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : S.H.O., City Kotwali, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. Hemant Gupta, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/10/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.94/2016, registered at Police Station – City Kotwali, Rajnandgaon District – Rajnandgaon (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Bhushan Lal Sahu had made a report against the present applicant and one Mahendra Sahu that they have allured different persons of the village and thereafter collected the amount in the name of H.B.N. Diary and Allied Limited with a promise to return the same within a short period of time with high interest. Subsequently, the amount having not been returned and fraud has been committed and further the said circulation of amount was made without the permission of the

RBI.

3. Learned counsel for the applicant submits that the applicant was working as an agent of the company and he has not committed any offence and the entire amount was deposited in the company and it was not kept by the applicant. It is further submitted that the applicant has not taken any policy decision on behalf of the company and only has followed the instructions of the directors of the company. It is further submitted that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C.No.6459/2016 vide order dated 19.10.2016, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that similarly placed co-accused in this case has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the documents collected, wherein the Harmander Singh Sharan, Jasbir Kaur, Manjit Kaur Sharan, Deepti Kapoor, Amandeep Singh Sharan, Neha Pawar, Shilpy Gupta, Gurpreet Singh, Jagrup Sandhu Singh, Bohar Singh Dhillan prima-facie shows to be the directors of the company. Considering the role played by the applicant as he has not taken any policy decision on behalf of the company and he has followed the instructions of the directors and further considering the fact that similarly placed co-accused in this case has been enlarged on bail in M.Cr.C.No.6459/2016 vide order dated 19.10.2016, this

Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge