

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5955 of 2016

- Prashant Majumdar S/o Late Chinulal Majumadar Aged About 61 Years R/o 5- A, Anushtha Residency, Junwani, Police Station Jewra, Sirsa, Durg, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Police Station Chhawani, District Durg, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. N. Naha Roy, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy. Govt. Adv.
For the objector	:	Mr. Shivendra Bharadwaj, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.233/2016 registered at P.S. Chhawani, Distt. Durg (C.G) for the offence punishable under Sections 420, 409, 34 of IPC, section 10 of C.G. Nikshepako Ka Sanrakshan Adhiniyam, 2005 & Sections 3, 4, 5, 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.
2. As per the prosecution case, the applicant's organization namely Togo Health and Public Welfare Institution and its ancillary companies had collected certain amounts from various persons with an assurance to return the sums with high rate of interest and when the maturity date came, the amounts of depositors/complainants could not be returned. It is alleged that huge amounts were collected and circulated by the Company without obtaining valid permission from the Reserve Bank of India or the SEBI, thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant was working only as an Incharge of the Office and he was not holding the key post such as Director or Managing Director/Partner to take any principal decision on behalf of the Company. He further submits that the charge sheet has been filed; no further investigation is necessary and the applicant is in jail since 03.05.2016 and looking to the role played by the applicant he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail. However, as per the instructions received by him, he is not able to make submission that the applicant was working as director or was holding any such key post to take policy decisions on behalf of the Company.
5. Perused the case diary and other documents. The reply filed by the State is silent about the role of the applicant.
6. Considering the fact that the applicant was neither working as the director nor was holding any such key post to take vital policy decisions on behalf of the Company and thus looking to the role of the applicant as also the fact that the charge sheet in this case has been filed and he is in jail since 03.05.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE