

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5900 of 2016

1. Kuleshwer Sahu, S/o. Laxman Sahu, aged about 45 years, R/o. Village-Bhirai, Thana Gurur, Civil and Revenue District – Balod (C.G.).
2. Rajkishor Soni, S/o. Rajnarayan Soni, aged about 48 years, R/o. Village- Anjora, Thana Anjora, Civil and Revenue District – Durg (C.G.)

----Applicants

Versus

1. The State of Chhattisgarh, Through : Station House Officer Kotwali, Rajnandgaon, Civil and Revenue District – Rajnandgaon (C.G.)

---- Respondent

For Applicants : Mr. Punit Ruparel, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/11/2016

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 applicants who have been arrested in connection with Crime No.528/2016, registered at Police Station – Kotwali, Rajnandgaon, District – Rajnandgaon (C.G.) for the offence punishable under Section 420, 406, 409, 120(B) & 34 of Indian Penal Code and Section 10 of Protection of Interest of Chhattisgarh Investors Adhiniyam, 2005 Rule 2015.
2. Case of the prosecution, in brief, is that a report was made by Rakesh Kurre on 03.08.2016 that he had purchased three bonds of Saktinagar Branch, Rajnandgaon of Guru Sai Real Estate & Applied

Limited of Rs.2.50 lakhs. Subsequently, the name of the company was changed as Sadguru Sai Civil Construction Company and when the complainant was in need of money, he surrendered the bond, it was found that the company refused to pay the money. The said collection of money was made with high promise of return without sanction of RBI or SEBI. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that the applicants were agent of the company and they were not in the helm of affairs to take any policy decision on behalf of the company and they were only worker. It is further submitted that charge sheet in this case has been filed and the applicants are in jail since 19.08.2016, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he do not dispute the fact that the applicants were working as an agent of the company.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and also perused the reply filed by the State, wherein it is stated that the applicants were working as an agent of the company. Taking into the role played by the applicants as they were not in the helm of affairs to take any policy decision on behalf of the company and further taking into the fact that charge-sheet in this case has been filed and the applicants are in jail since 19.08.2016, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram