

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1002 of 2016

- Nihar Ranjan Roy S/o Nagendra Roy Aged About 48 Years R/o Village P.V. 109, Gopalpur, Thana Bande, Tahsil Pakhanjore, District Uttar Bastar Kanker, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Bande, District Uttar Bastar Kanker, Chhattisgarh. --- **Respondent**

For the applicant : Mr. Parag Kotecha, Advocate.
For the State : Mr. Sangharsh Pandey, Panel Lawer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.10.2016

1. Apprehending arrest in connection with Crime No. 41/2016 registered at Police Station Bande, Distt. Uttar Bastar Kanker (C.G) for the offences punishable u/ss 420, 34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, the applicant's Company Rose Valley had allured different persons to deposit the money with an assurance to double the same within a short period of time. The applicant being the agent of the Company has allured the people to deposit the amounts and subsequently the company was closed and the money was not returned. It is alleged that the Company has collected huge amounts without obtaining any authorization or permission from RBI or SEBI thereby the offence is committed.
3. Learned counsel for the applicant would submit that the son of applicant was working as agent and the applicant

is an employee of Central Government and he has not committed any offence, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for bail.
5. Perused the case diary and the statements of Niranjana Vishwas, Krishna Kant Gharari, Savita Das and one Adhir wherein direct allegations have been attributed against this applicant. Therefore, the fact that whether the applicant is agent or not is to be ascertained.
6. Considering such facts and circumstances of the case I am of the view that it is not a case to hold that no custodial interrogation is required. Therefore, I am not inclined to allow the bail application filed u/s 438 Cr.P.C. Accordingly it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE