

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6195 of 2016

Vishnu Pratap Ayam S/o Late Banshdev Ayam, Aged About 36 Years,
R/o Village Enjani Behradand, Police Station Chalgali, District
Balrampur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Pratappur, District Surajpur Chhattisgarh.

---- Respondent

For applicant - Shri Anil Gulati, Advocate.
For Respondent/State – Shri Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/10/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.47/2016 registered in Police Station Pratappur, District Surajpur (C.G.) for offence punishable under section 420 r/w 34 of Indian Penal Code and Section 4, 5, 6 of Inami Chit and Money Circulation Scheme (Pabandi) Adhiniyam, 1978 and Section 10 of Chhattisgarh Nichhepako ke Hiton ka Sanrakshan Adhiniyam, 2005.
2. Case of the prosecution, in brief, is that a report was made that one Shining India Real Estate & Dairies Limited allured the different people to deposit the money in their account with an assurance to return the same with double and also assured that at the end of maturity some real estate property shall also be given to the depositors. Consequently, different amounts were deposited by the persons from Bilaspur, Pratappur, Surajpur and also from different places. Subsequently, neither the amount so deposited by the customers returned nor any real estate property was given to them. According to the prosecution, the said company was not authorized by Securities and Exchange Board of India (SEBI) & Reserved Bank of India to

collect amount for like nature. It is also alleged that the applicant who was working on behalf of the company at Surajpur and Pratappur had collected amount from the different depositors and the offence was committed.

3. Learned counsel for the applicant submits that the applicant was working an agent and service of the applicant were hired by the company, he has not played any vital role in the policy decision of the company and entire operation of the bank account were made by Amit Kumar Patel and Kholuram Patel. It is further submitted that the applicant himself was deceived by the company, charge sheet has been filed and similarly placed co-accused persons have been enlarged on bail by this court in M.Cr.C. No.5018/2016 on 30/08/2016, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however do not dispute the fact that the applicant was working as an agent.

5. Considering the facts and circumstances of the case, the role played by the applicant, main allegation have been attributed to the persons operating the account and withdrawals were also made by them and further considering the fact that the applicant was an agent, charge sheet has been filed and similarly placed co-accused persons have been enlarged on bail by this court in M.Cr.C. No.5018/2016 on 30/08/2016, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE

