

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6223 of 2016

Chandulal Kesharwani, S/o. Khageshwar Kesharwani, Aged About 38 Years, R/o. Village Chandarpur, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the S.H.O., Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashok Soni, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.11.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.124/2016 registered at Police Station- Ambikapur, District Surguja (C.G.) for the offence punishable under Section 420, 467/34 of Indian Penal Code and Sections 5, 6 of Inami Cheat Fund Avam Dhan Parichalan Scheme Pambandi Adhiniyam, 1978.
2. As per the prosecution case, Ramkali Soni made a report that the present applicant who was working on behalf of M/s. Teesa Agro Project India Limited has collected the amount from different depositors with an assurance to return the same with a high value but eventually failed to do so. The circulation of money was made without the permission of RBI or SEBI; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant was appointed as Manager and he was not involved in the helm of

affairs and not authorize to take any policy decision on behalf of the Company and he was a salary paid employee. He further submits that the charge sheet has been filed and the applicant is in jail since 28.02.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents & reply. In reply of the State, it is stated that the applicant was working as Manager of the Company. Taking into the role played by the applicant as he was not able to take any policy decision on behalf of the Company and further considering the fact that the charge sheet has been filed and the applicant is in jail since 28.02.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge