

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6458 of 2016

1. Shailendraban Goshwami, S/o. Kedarban Goshwami, aged about 40 years, R/o. Village- Maraud, P.S. - Kurud, District – Dhamtari (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – City Kotwali, Dhamtari, District – Dhamtari (C.G.)

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/11/2016

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 applicant who has been arrested in connection with Crime No.284/2015, registered at Police Station – City Kotwali, Dhamtari, District – Dhamtari (C.G.) for the offence punishable under Section 420, 409, 120-B, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a complaint was made by Satturam Soni that in the year 2009 after he sold the land received the amount, one Tularam Sahu and the present applicant came and induced him to invest the money in G.N. Gold Company for a period of five years with an assurance that the amount will be doubled within a period of five years and personal guarantee was also extended. Pursuant there to Rs.10.00 lakhs was invested in the name of G.M. Gold Company and further Rs.1.00 lakh each in the name of daughter-in-law and grand-daughter separately and total

Rs.15.00 lakhs was invested. Subsequently, the office of the company was closed and the amount was not returned and it was found that the said circulation of amount was made without the permission of the RBI or SEBI. Thereby the fraud has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the applicant himself has been defrauded. It is further submitted that the applicant is working as chief agent and he has to follow the instructions of the directors of the company and he has not taken any policy decision on behalf of the company. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 19.09.2016, therefore, the counsel prays that the applicant may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that the applicant was not in the capacity of the director and he is working as agent.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents. Considering the facts and circumstances of the case and the role played by the applicant it appears that the applicant was working as an agent of the company. Taking into such facts and the fact that the applicant was not able 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

applicant is in jail since 19.09.2016, this Court is of the opinion that present is a fit case, in which, the applicant 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 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge