

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6566 of 2016

- Bhikham Sahu S/o Shri Hom Lal Sahu Aged About 40 Years R/o Village Karmari, Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Supela, District Durg, Chhattisgarh.

--- **Respondent**

For Applicant : Mr. Samir Singh, Advocate.

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25-10-2016

1. This is the first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicants who have been arrested on 19-7-2016 in connection with Crime No. 488 of 2016 registered at Police Station Supela, District Durg (CG) for the offence punishable under Sections 420, 120-B, 34 of IPC, Sections 3, 4, 5 & 6 of the Inami Chit Aur Dhan Parichalan Scheme Adhiniyam and Section 10 of the Chhattisgarh Ke Nikshepak Ke Hito Ka Sanrakshan Adhiniyam 2005.
2. Case of the prosecution, in brief, is that a report was made by the complainant Shailendra Singh against Maheshwar Sinha and Sunil Uikey that in the name of the company i.e., BMA Wealth Creators Pvt. Ltd., they allured persons to deposit money in the share trading with assurance to return the same with high interest. Consequently,

the amount was deposited and eventually the amount having not been returned to different depositors, the offence is said to have been committed. Circulation of money was made without permission of Reserve Bank of India and thereby the aforesaid offence has been committed.

3. Learned counsel appearing for the applicant would submit that the applicant was working as employee/agent in the said company and the applicant being an agent/employee has not taken any policy decisions of the Company and it was taken by the directors/managing partners of the Company. He further submits that similarly placed co-accused Pranav Mishra and Nagendra Singh Nandre have been enlarged on bail by this Court in M.Cr.C.No.6361/2016 on 18.10.2016 therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application. However, he do not dispute the fact that similarly placed co-accused have been enlarged on bail by this Court in M.Cr.C.No. 6361/2016.
5. I have heard learned counsel for the parties and have also perused the case diary and other documents. It appears that the applicant was merely working as an agent of the Company.
6. Considering the fact that similarly placed co-accused have been enlarged on bail by this Court as stated above and taking into consideration that the applicant being an agent has not taken any policy decision as he was not at the helm of affairs of the Company as also the fact that the charge-sheet has been filed and the

applicant is in jail since 21.06.2016, I am inclined to release him on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Rao