

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6516 of 2016

1. Khemlal Sinha, S/o. Ishwar Lal Sinha, aged about 43 years, R/o. Village- Thanaud, Ramayan Chowk, Durg, Police Station (Anjora), Pulgaon, District – Durg (C.G.)
2. Keshav Chandrakar, S/o. Late Lakhan Lal Chandrakar, aged about 51 years, R/o. Bhusrenga, Police Station – Kurud, District – Dhamtari (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Supela, Bhilai, District – Durg (C.G.)

---- Respondent

For Applicants : Mr. Manish Upadhyay, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/10/2016

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 applicants who have been arrested in connection with Crime No.560/2016, registered at Police Station – Supela, Bhilai, District – Durg (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code and Sections 3, 4, 5, 6 of Price Chits and Money Circulation Scheme (Banning) Act, 1978 and Section 10 of Chhattisgarh Ke Nikshepako Ke Hito Ka Sanrakshan Adhiniyam, 2005.
2. Case of the prosecution, in brief, is that the applicants along with other co-accused on behalf of the Sunshine Infrabuild Corporation Limited allured the different persons numbering into 6769 and collected around Rs.18.00 Crores with a promise to return the same

within a short period of time with high interest. However, the same was not returned, thereby the fraud has been committed. It is further case of the prosecution that the said amount was collected without the permission of the RBI or SEBI.

3. Learned counsel for the applicants submits that the applicants were working as an agent of the company and they have not committed any offence and the entire amount was deposited in the company and it was not kept by the applicants. It is further submitted that the applicants have not taken any policy decision on behalf of the company and only has followed the instructions of the directors of the company. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 02.07.2016 and no further investigation is required, therefore, the counsel prays that the applicants may 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 applicants were working as an agent.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case and taking into the fact that the applicants were working as an agent of the company and further taking into the role played by the applicants as they have not involved in taking any policy decision on behalf of the company, charge-sheet in this case has been filed and the applicants are in jail since 02.07.2016, this Court is of the opinion that present is a fit

case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram