

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7367 of 2016

1. Khemendra Bopche, S/o. Netram Bopche, aged about 32 years, R/o. Village-Birsi, Police Station – Amgaon, District – Gondia (Maharashtra).

----Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Y.C. Sharma, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2016

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. Thereafter, one Tularam Sahu and Shailendraban Goshwami came and induced him to invest the money in G.N. Gold Company, wherein the applicant was working and the said amount was invested in G.N. Gold Company, however, the return was not made as per the promise and the present applicant was in-charge of branch of Dhamtari. The said circulation and collection of money

was done without the permission of the RBI or SEBI. Thereby the fraud has been committed.

3. Learned counsel for the applicant submits that the applicant was working only as Branch Manager and he has not taken any policy decision and he himself was an employee, which would be evident from reply and the document Annexure R/1 filed by the State. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 18.09.2016 and no further investigation is required, 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 working as Branch Manager of the company.
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 taking into the role played by the applicant as prima-facie it appears that the applicant was working as an employee of the company. Taking into such facts and the fact that the applicant has not taken 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 18.09.2016, 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

Balram