

HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 7568 of 2016**

- Hemant Mahilang S/o Indal Mahilang Aged About 48 Years R/o Village - Sonpairi, Police Station - Mandir Hasaud, District Raipur Chhattisgarh

**---- Petitioner**

**Versus**

- State Of Chhattisgarh Through, Station House Officer, Police Station - Rajendra Nagar, District Raipur Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**20-12-2016**

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 on 31-8-2016 in connection with Crime No. 24 of 2016, registered at Police Station Rajendra Nazgar, District Raipur (CG) for the offence punishable under Sections 420, 34 of the IPC and Section 10 of the Protection of Depositor Act, 2005.
2. Case of the prosecution, in brief, is that one Mannu Lal Dahariya made a complaint that present applicant along with one Santosh approached him as an agent of B.N. Gold Real Estate and Allied Limited Company and thereafter on assurance to get high return, the complainant invested more than Rs.6,00,000/-. Subsequently, an agreement of sale was executed on 23-10-2010 whereby the complainant deposited Rs.5,00,000/-. However, no return was ever made. The said circulation of money was made without permission of RBI or SEBI and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant was working as an agent of B.N. Gold Real Estate and Allied Limited Company, he was not in the helm of affairs to take a policy decision of the company and he was an employee who worked according to direction given to him by the company. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 31-8-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents
6. Perused the reply filed by the State wherein it is alleged that the applicant was working as an agent.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that the applicant was working as an agent and he has not taken policy decision and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 31-8-2016, this court is inclined to release the applicant on bail.
8. 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

Raju

