

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3969 of 2017

- Narayan Singh S/o Amar Singh Aged About 40 Years R/o Ward No. 21 Rewadih, Tahsil & District Rajnandgaon

---- Applicant (In Jail)

Versus

- State Of Chhattisgarh Through:- (O.P. Basantpur) Aarakshi Kendra, Basantpur, District Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant	:	Shri Arvind Dubey, Advocate
For Respondent	:	Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

15/06/2017

1. The applicant has preferred this bail application for grant of regular bail as he is in custody since 29.4.2017 in connection with Crime No.136/2017 registered at Police Station Basantpur, District Rajnandgaon (CG) for the offence punishable under Section 420/34 of IPC and Section 10 of the Protection of Depositors Interest Act.
2. Case of the prosecution, in brief, is that present applicant in the capacity of Agent of Dhanwarsha Developers Allied Company Ltd. had got huge amount of investment made of complainant Rajwanti Bai in connivance with co-accused Mansukh Sonwani and thereafter the money could not be realized from the applicant or from the said company in which the investment was made.

3. Contention of learned counsel for the applicant is that present applicant was an agent/employee in Dhanwarsha Developers Allied Company Ltd. and he is not the beneficiary of any of the investments made in the aforesaid company. He further submits that the entire money has ultimately been given to the Directors of said company and one of such Directors namely Raghveer Singh Rathore who is infact actual beneficiary of the said entire money deposited, has already been arrested. He further submits that so far as the role of present applicant is concerned, he has only promoted the interest of said company in the capacity of an agent/employee of the said company and that he was not aware of the malafide intentions of the owners of said company. He further submits that in the instant case the applicant has also been defrauded by the company as reposing faith in the said company the applicant too has made investment in the company which could not be realized.
4. On the other hand, learned counsel for the State opposes the bail application and submits that it was the present applicant who was instrumental in getting investment along with co-accused Mansukh Sonwani in respect of amount belonging to the complainant. Therefore, he prays for rejection of the bail application.
5. Having considered rival contentions and on perusal of the case diary what is not in dispute is the fact that present applicant was only an agent/employee of the said company and that he has never gone to the complainant rather it is co-accused Mansukh Sonwani who came in contact with present applicant and since said Mansukh could not get the amount belonging to the complainant deposited in her account for want of PAN Card, said Mansukh had got it invested through present applicant in the aforesaid company.

6. Taking into the entire facts situation of the case, nature of role played by the applicant, his status in the said company and considering the period of custody undergone by him, this Court is of the opinion that present is a fit case for grant of regular bail to the applicant.
7. Accordingly, the bail application is allowed. It is directed that on applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court concerned, he be released on bail. The applicant is directed to appear before the concerned trial Court on each and every date given by the said Court till disposal of the trial.
8. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge

roshan/-