

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 6726 OF 2017

Ratan Kumar Sarkar S/o late Dhirandea Sarkar, aged about 64 years, R/o Nahar Para, Kohariya, District Korba (CG).

... Applicant

Versus

State of Chhattisgarh, through Police Station Civil Lines, (Ganj), Raipur, District Raipur (CG).

... Respondent

For Applicant	:	Shri Vikram Dixit, Advocate.
For Respondent-State	:	Shri Gary Mukhopadhyay, Dy. GA.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/12/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 16.07.2017 in connection with Crime No.264 of 2017 registered at Police Station Civil Lines (Ganj) Raipur for the offence punishable under Section 420/34 IPC.
2. As per prosecution, the applicant in connivance with other co-accused persons is said to have extracted money from the complainant with an assurance of providing huge return on the amount invested. That, subsequently they have not fulfilled the promise, and on the contrary have issued certain cheques to the complainant which on being presented for realization, the same got dishonored on account of stop payment.
3. Learned Counsel for the applicant submits that so far as the present applicant is concerned, there is no material available in the entire case diary making any allegation against him. Further, the applicant has been made as an accused only because he has a small share in

the company which is otherwise being operated by Rajat Kumar Sarkar, and therefore, the present applicant may be released on bail.

4. Counsel for the State opposes the bail application and submits that the present applicant is also a partner to the firm, and therefore, he is equally responsible for defrauding the complainant and many other similar persons.
5. Considering the facts and circumstances of the case and on perusal of document in the case diary what reflects is that the police authorities by now have only reached to the conclusion that the present applicant has been made an accused because of his having 5 percent share in the company in which other accused has the major share. Apart from the applicant being 5 percent share holder in the company, there is no other allegation of any overt act made by the present applicant for defrauding the complainant. Neither is there any allegation of the present applicant canvassing the complainant for making investment with the co-accused. Thus, prima facie a strong case is made out and this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-

(P. Sam Koshy)
Judge